

DIANE M. TERRANOVA, TOWN CLERK  
TOWN OF LANCASTER  
21 CENTRAL AVE.  
LANCASTER, N.Y. 14086  
AREA CODE 1-716 683-9028

COPY

December 15, 2022

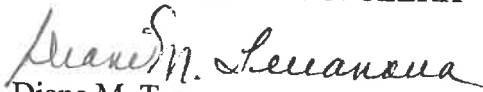
Matthew Fischione  
Code Enforcement Officer  
21 Central Avenue  
Lancaster, New York 14086

**Re: SPECIAL USE PERMIT -**  
272 Erie Street

COPY Enclosed is the above referenced Special Use Permit Application for your review and determination pursuant to Chapter 400-78 of the Code of the Town of Lancaster.

COPY Sincerely yours,

COPY OFFICE OF THE TOWN CLERK

  
Diane M. Terranova  
Town Clerk

DMT/dm  
Encl.

cc: Town Board  
T. Fowler, Town Attorney  
W. Karn, Police Chief

COPY

COPY

COPY

Fee Received \$ 400.<sup>00</sup>  
Date: 12/15/22  
K1896 \$400.<sup>00</sup>

**TOWN OF LANCASTER**  
**APPLICATION FOR SPECIAL USE PERMIT**

To: TOWN BOARD

The undersigned hereby make(s) application for a special use permit concerning certain premises in the Town as follows:

1. Name and address of applicant:

Gerald J Litwiller and Deborah L Litwiller

Location of premises: 272 Erie Street Lancaster, NY 14086

SBL # 105.03-1-5

2. Name and address of owner of premises:

Gerald J Litwiller and Deborah L Litwiller

272 Erie Street Lancaster, NY 14086

3. Present zoning classification of premises:

L1

4. Present use of premises, Example: vacant land, private residence, etc.:

Private Residence

5. What are your plans for the premises?

Home Occupancy and commercial kitchen for family and business use

SIGNATURE

Gerald J. Litwiller  
Deborah L Litwiller

DATE 12/8/2022

HOME PHONE (716) 683-2533

CELL PHONE (716) 799-7121

BUSINESS PHONE None

**APPLICATION FOR SPECIAL USE PERMIT**  
**EXHIBIT "B"**

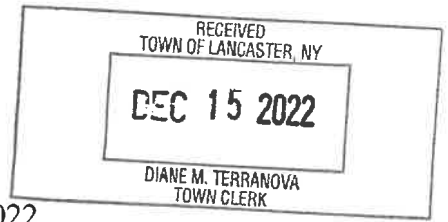
In the form of a letter to the Town Board, answer the following questions:

1. Does the applicant reside on the premises where the Special Use permit is requested?
2. What is the area that will be devoted to the Special Use purposes?
3. Will there be any changes in the outside appearance of the building or premises or any other visible evidence of the conduct of such occupation?
4. Will there be any equipment or process which will create noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot?
5. Will there be any additional employees, assistants or associates?
6. Describe the parking areas provided in addition to driveways, private garages and parking areas.
7. Submit a drawing, to scale, of the ground floor of the residence and indicate the area to be utilized for the home occupation or office. (See sample enclosed)

Signature of Petitioner or Applicant

*Herald J. Littell* *Deborah L. Littell*

Dated: 12/8, 2022



December 14, 2022

Town of Lancaster  
Town Clerk  
21 Central Avenue  
Lancaster, NY 14086

Re: Exhibit "B" for Special Use At 272 Erie Street Lancaster

Dear Diane;

On Behalf of Home Owner Gerry Litwiller, Sutton Architecture provides for following information regarding The Home Occupancy of the above listed address for the use as a catering operation.

1. The applicant does reside in the premises
2. The area devoted to the Special Use Permit is the existing attached garage of the Home
3. There are no intends to change the outside appearance of the building or any other visible evidence of the conduct of the occupation?
4. The only equipment is the commercial exhaust hood for the cooking equipment, which does not produce noise, vibration, glare, fumes, odors or electrical interference perceptible to the normal senses off the lot
5. There are no additional employees, assistants or associates involved with this operation.
6. The existing property provides for parking of several vehicles. The nature of the business does not require parking for incoming customers.
7. See enclosed submittal package for scaled drawing of ground floor

Should you have any questions regarding the information provided, or this project in general, please feel free to contact our office at your convenience.

Sincerely,  
**SUTTON ARCHITECTURE, PLLC**

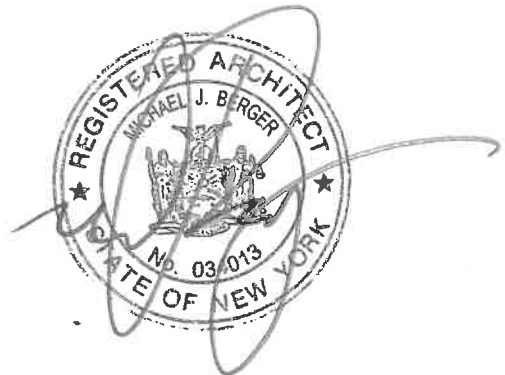
design2build.com

Tel: 716.932.7156

Fax: 716.932.7873

5409 Main Street  
Williamsville, NY 14221

Michael J. Berger, RA  
Project Architect/Partner



If the applicant is **not** the property owner, the property owner must sign the following certification:

**DESIGNATION OF REPRESENTATIVE**

I, Herald J. Litalien as property owner hereby designate:

Name: Michael Berger, Sutton Architecture

Mailing Address: 5409 MAIN Street, Williamsville 14221

Telephone Number: 716-932-7156 to act as my representative in any and all proceedings before the Town Board, Planning Board and the Zoning Board of Appeals of the Town of Lancaster for the purposes of reviewing the attached application.

Owner Signature: Herald J. Litalien

Date: 12/8/2022

## SECTION 809 - DISCLOSURE CERTIFICATE

CERTIFICATE REQUIRED TO BE EXECUTED BY EVERY APPLICANT FOR A VARIANCE, AMENDMENT, CHANGE OF ZONING, APPROVAL OF A PLAT, EXEMPTION FROM A PLAT OR OFFICIAL MAP, LICENSE OR PERMIT, PURSUANT TO THE PROVISIONS OF ANY ORDINANCE, LOCAL LAW, RULE OR REGULATION CONSTITUTING THE ZONING AND PLANNING REGULATIONS OF THE TOWN OF LANCASTER (SEE ATTACHED EXCERPT FROM GENERAL MUNICIPAL LAW)

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### CERTIFICATION A

1. The undersigned applicant, as defined in Section 809 of the General Municipal Law of the State of New York, for a (underline appropriate application) variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, hereby certifies that no State officer, or officer or employee of the County of Erie or Town of Lancaster, as defined in said section, has an interest in the person, partnership or association making application for said Special Use Permit

2. I understand that any person who knowingly and intentionally violates the provisions of Section 809 of the General Municipal Law of the State of New York shall be guilty of a misdemeanor.

X Herald J. Lituiller

X Deborah L. Lituiller

---

### CERTIFICATION B

1. The undersigned applicant, as defined in Section 809 of the General Municipal Law of the State of New York, for a (underline appropriate application) variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit, hereby certifies that \_\_\_\_\_ is a State officer, or officer or employee of the County of Erie or Town of Lancaster, as defined in said section, who has an interest in the person, partnership or association making application for said \_\_\_\_\_ and that the extent of such interest is \_\_\_\_\_.

2. I understand that any person who knowingly and intentionally violates the provisions of Section 809 of the General Municipal Law of the State of New York shall be guilty of a misdemeanor.

X Herald J. Lituiller

X Deborah L. Lituiller

Signature of Petitioner

*Gerald J. Litwiler*  
*Gerald J. Litwiler*

Date

*12/8/2022*

**INDIVIDUAL**

STATE OF NEW YORK

SS:

COUNTY OF ERIE

On this *15<sup>th</sup>* day of *December*, 20*22*, before me personally appeared *Gerald Litwiler*

, the petitioner, to me known and known to me to be the individual described in and who executed the foregoing instrument and he acknowledged to me that he executed the same for the purpose herein stated.

*John M. Monetti*

Notary Public or Deputy Town Clerk

**CORPORATE**

STATE OF NEW YORK

SS:

COUNTY OF ERIE

On this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me personally appeared \_\_\_\_\_, to me known, who, being by me first duly sworn, did depose and say that he resides in \_\_\_\_\_ that he is \_\_\_\_\_ the \_\_\_\_\_ of \_\_\_\_\_ the corporation described in and which executed the foregoing instrument; that he knows the Corporate Seal of said corporation; that the Corporate Seal affixed to said instrument is such Corporate Seal; that it was affixed by order and authority of the Board of Directors of said corporation; and that he signed his/her name thereto by like order and authority for the purposes herein stated.

Notary Public or Deputy Town Clerk

**CORPORATE SEAL**

**PARTNERSHIP**

STATE OF NEW YORK

SS:

COUNTY OF ERIE

On this 8 day of \_\_\_\_\_, 20*22*, before me personally appeared *Gerald J. Deborah L Litwiler* the petitioner, to me known and known to me to be one of the firm of \_\_\_\_\_ described in and who executed \_\_\_\_\_ the foregoing instrument and he acknowledged to me that he executed the same as and for the act and deed of said firm, for the purposes therein stated.

**CORPORATE SEAL**

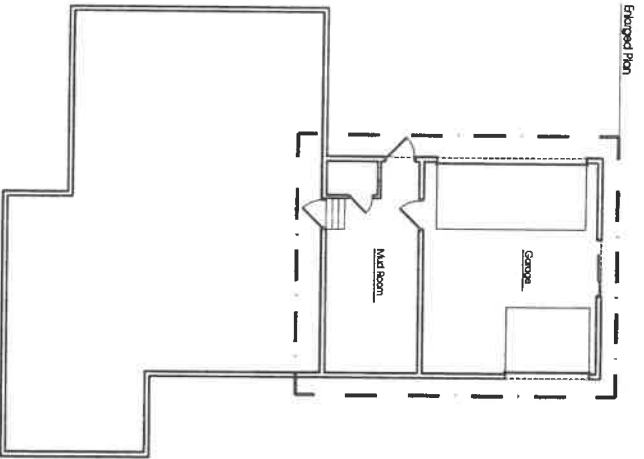
*John M. Monetti*  
Notary Public or Deputy Town Clerk

File: zonrezonfirm

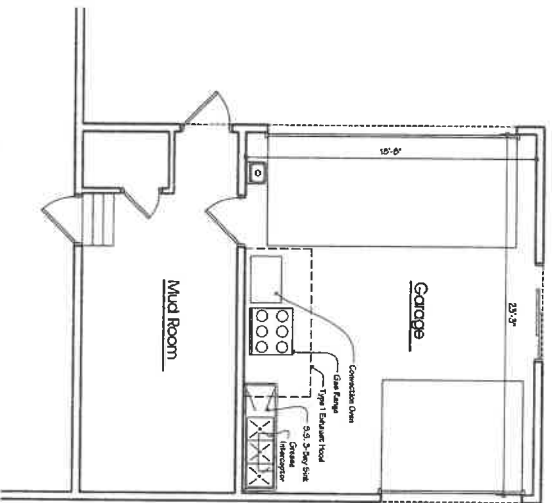
JOHN M. MONETTI  
NOTARY PUBLIC STATE OF NEW YORK  
ERIE COUNTY  
LIC. #01MO6406383  
COMM. EXP. 03/30/2024



**Aerial Photo**



## A12 Key Plan

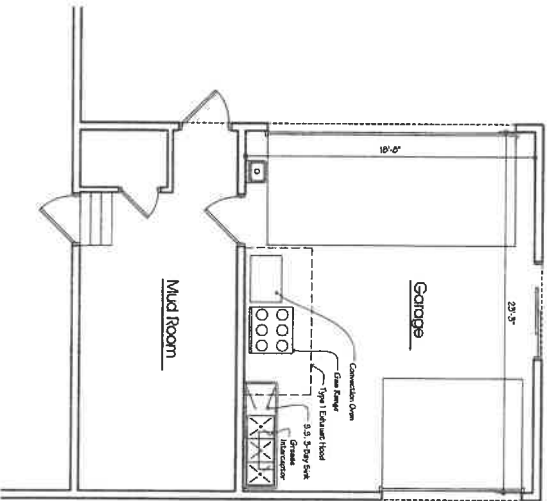
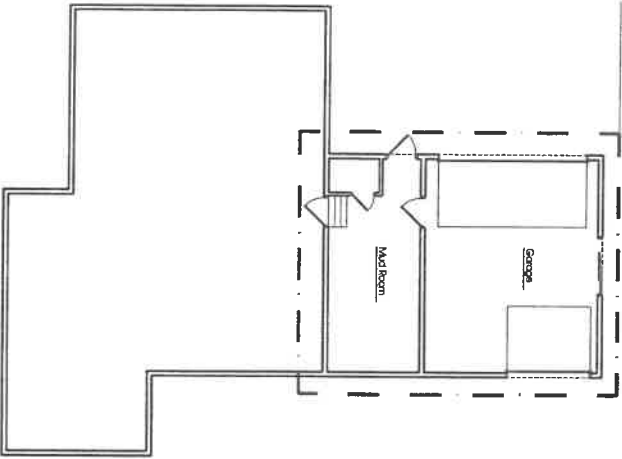


1447 = 15-07





Aerial Photo



## A1.2 Key Plan

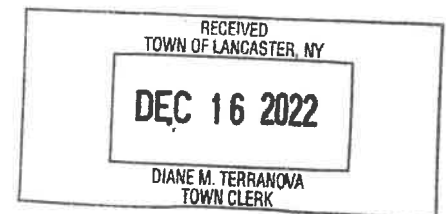
### A1.3 Enlarged Plan



**Mark Meyerhofer**

Senior Director  
Government Affairs

December 16, 2022



Re: Charter Communications – Upcoming Changes

Dear Franchise Official:

We value our customers and are committed to providing them with the latest products and technology, and we work hard to keep prices as low as possible. Despite our best efforts, rising costs including programming fees charged by TV networks have impacted our pricing. Customers are being notified via bill message regarding the following price changes that will take effect on or after January 17, 2023. Note that these changes will not affect current customers' promotional rates until the end of the promotional period.

| Services/Products/Equipment    | Change                              |
|--------------------------------|-------------------------------------|
| Broadcast TV Surcharge         | Will increase by \$1.20/month.      |
| Spectrum TV Select             | Will increase by \$5.00/month.      |
| Spectrum TV Silver             | Will increase by \$5.00/month.      |
| Spectrum TV Gold               | Will increase by \$5.00/month.      |
| Spectrum Mi Plan Latino        | Will increase by \$2.00/month.      |
| Spectrum Mi Plan Latino Silver | Will increase by \$2.00/month.      |
| Spectrum Mi Plan Latino Gold   | Will increase by \$2.00/month.      |
| Spectrum Lifestyle Plan        | Will increase by \$2.00/month.      |
| Spectrum Lifestyle Plan Silver | Will increase by \$2.00/month.      |
| Spectrum Lifestyle Plan Gold   | Will increase by \$2.00/month.      |
| Spectrum Digital Receivers     | Each will increase by \$1.00/month. |



**Mark Meyerhofer**  
Senior Director  
Government Affairs

| Services/Products/Equipment        | Change                         |
|------------------------------------|--------------------------------|
| Spectrum Digital Terminal Adapters | Will increase by \$1.00/month. |
| Cable Cards                        | Will increase by \$3.05/month. |

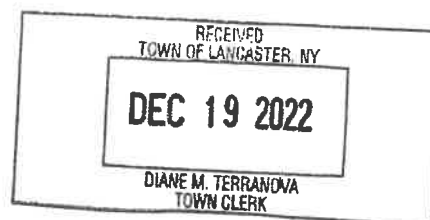
We remain committed to providing excellent communications and entertainment services in your community. If you have any questions about this change, please feel free to contact me at 716-686-4446 or via email at [Mark.Meyerhofer@charter.com](mailto:Mark.Meyerhofer@charter.com).

Sincerely,

A handwritten signature in black ink that reads "Mark Meyerhofer". The signature is written in a cursive, flowing style.

Mark Meyerhofer  
Senior Director, Government Affairs  
Charter Communications

December 12, 2022



Michelle Barbaro  
Deputy Highway Superintendent  
Town of Lancaster  
525 Pavement Road  
Lancaster, NY 14086

Re: Leave of Absence

Dear Michelle:

I would appreciate if you would approve a one-year leave of absence from my current position as Laborer in the Parks, Recreation and Forestry Department from January 10, 2023 until January 9, 2024.

Should you require any further information please do not hesitate to contact me.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Connor O'Brien".

Connor O'Brien

Cc: ✓ Honorable Town Board  
Scott Pease, White Collar President  
Lisa Zajac, Supervisor's Office  
Pamela Cuvillo, Director of Administration and Finance

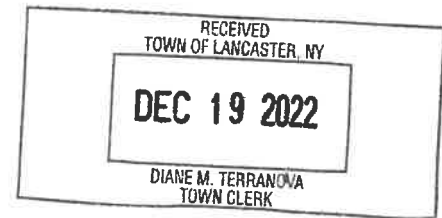
**December 18, 2022**

**To:**

**Dog Control Committee Chair Mark Burkard**

**Dog Control Committee Member Supervisor Ronald Ruffino**

**Dog Control Committee Member Dave Mazur**



**Re: Dog Control Shelter**

Honorable Town Board Members:

Unable to attend town board meetings because of health-related issues, I would appreciate the town board and consulting Town Engineer Ed Schiller address the following concerns / questions at town board meetings that I and many others have and seek clarification on.

At tonight's town board meeting Resolution #12 approves Change Order No. 5 from MGR Constructors, Inc., with respect to the outlined description provided to the Town Board by the Town's Consulting Engineer's letter dated July 13, 2022:

**The increase represents the tasks required by the NYS Department of Agriculture and Markets during their inspection on April 20, 2022, which included: correcting sloping on Kennel floors, adding a dog wash station with water and sanitary connection in garage, addition of Hose Bib in garage for hot water, and raising floor tub in Kennel area.**

**Resolution Related Questions:**

Have all tasks been completed?

Why eight months to complete the tasks required by NYS Ag & Markets in April of 2022?

Were any of the tasks assigned by Ag & Markets to be completed in April removed from the specifications submitted to the state in 2020? Removed in the 'value engineered' contract agreement with MGR Construction and the reason we are paying for materials and workmanship we shouldn't be.

**Other Shelter Related Questions:**

We have been told for months by the town that shelter project was near closing and that the \$225,000 NYS Animal Companion grant fund would be released to the town. The \$225,000 would be used to offset the July 5<sup>th</sup>, 2021, \$485,000 Capital Improvement Bond to construct the new dog shelter.

Last week, NYS Ag & Market representatives visited and inspected the shelter along with DCO Karn and Town Engineer Schiller. The Ag & Market reps have yet to issue a report but made their dissatisfaction known that the kennel fencing was rusting, there was drainage sanitary issues, there was no ventilation system in place and opening windows was not an alternate

option, and one kennel floor slope was yet unaddressed. If these are additional issues to be corrected, at whose cost? It is clearly stated in the July 19, 2021 MGR contract bid award and the resolution approved by all board members at the time (Supervisor Ruffino voting 'no'):

**BE IT FURTHER, RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. 1 to MGR Constructors, Inc, with respect to the outlined description provided to the Town Board which has been certified by engineer Edward Schiller, to contain no material changes: DESCRIPTION OF CHANGE ORDER NO. 1: The original contract amount was based on an estimated quantity/quality for items included for construction. This is the adjustment to reflect the proposed changes for those bid items.**

A ventilation system was included in the original shelter construction design. When was it removed? Who authorized its removal? Did it happen during the 'value engineered' contract negotiations and decreased bid sum with MGR? Were other contractors offered the same opportunity to rebid the project?

It appears the kennel fencing is rusting because it is not stainless steel, but galvanized steel. Was stainless recommended in the original specifications.

Is there a Maintenance Bond in place? For how long?

Where does one go or FOIL to compare building specifications between original and MGR 'value engineered' contract specifications?

This is the fifth change order and takes the project cost to \$499,323. \$15,000 over the \$485,000 the town bonded for the project. Near \$200,000 over the estimated \$305,000 project cost estimation submitted to NYS Ag & Markets for Animal Companion fund grant petition - which amounted to \$225,000: the town's portion \$80,000.

The town's project cost obligation is now \$275,000. Had the town submitted a request for the allowable grant max of \$500,000, its project cost obligation would have been \$125,000 (25%). A \$150,000 blunder from the get-go and thereafter; where no one is being held accountable for.

Thank you for allowing me to voice my concerns and requesting the board give clarification to the concerns voiced and giving some idea as to closure date.

Lee Chowaniec  
Lancaster, NY

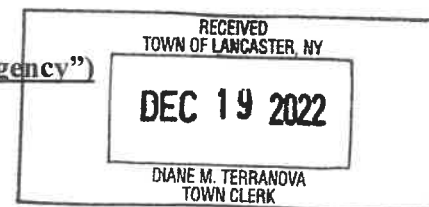
CC:

Town Board Members Robert Leary, Adam Dickman  
Town Engineer Ed Schiller  
Town Attorney Thomas Fowler

December 16, 2022



**RE: Erie County Industrial Development Agency (the "Agency")  
Amendment to Uniform Tax Exemption Policy  
Economic Inclusion PILOT Policy**



Please accept this correspondence as notice from the Agency, pursuant to Section 874 of the New York General Municipal Law ("GML") and pursuant to the Agency's Uniform Tax Exemption Policy ("UTEP"), informing you of the Agency's contemplated action to amend its UTEP.

Enclosed herein is the Agency's proposed draft Economic Inclusion PILOT Policy (the "EIPP"), that is being considered by the Agency for approval as an addendum to the Agency's UTEP.

The purpose of the EIPP is to promote, encourage, and maximize opportunities for minorities and woman to experience economic progress. The EIPP provides additional real property tax abatement benefits, above and beyond those currently provided for in the UTEP, for companies that meet the EIPP minimum 30% MWBE (25% MBE and 5% WBE) utilization rate for construction activities, and a 30% minorities and women (minimum 20% minority and at least 30% minorities or women) job creation and/or retention rate. In support of the EIPP, and in compliance with the UTEP, the Agency is required to consider the following factors prior to approving the proposed EIPP as an addendum/amendment to the UTEP:

1. The extent to which the EIPP will create or retain permanent, private sector jobs. The EIPP encourages job creation and retention by incentivizing minority and women hiring.
2. The estimated value of tax exemptions to be provided. The EIPP will provide additional real property tax abatement beyond the existing UTEP real property tax abatement schedules, the exact value of the exemption/abatement based on each project's individual and unique investment.
3. Whether affected taxing jurisdictions shall be reimbursed by a project occupant if the project does not fulfill the purposes for which an exemption was provided. Existing UTEP reimbursement provisions will continue to apply.
4. The impact of the EIPP on existing and proposed businesses and economic development projects in the vicinity. The impact of the EIPP is a positive one on the community, as it will promote job opportunities, general prosperity and economic welfare for women and minority residents of Erie County.
5. The amount of private sector investment generated or likely to be generated by the EIPP. Given that the EIPP provides only an enhancement to existing real property tax abatements, it will result in the same, or perhaps greater, private sector investment than what is generated under the current UTEP.

6. The demonstrated public support for the EIPP. Elected officials from the City of Buffalo and the County of Erie, as well as local business leaders, have expressed support for the EIPP.
7. The likelihood of accomplishing the proposed EIPP in a timely fashion. It is anticipated that the EIPP will become effective by the first quarter of 2023.
8. The effect of the EIPP upon the environment. The EIPP will not have an adverse impact upon the environment.
9. The extent to which the EIPP will require the provision for additional services. The EIPP will not require any additional services beyond those already in existence.
10. The extent to which the EIPP will provide additional sources of revenue for municipalities and school districts. The EIPP is a positive one economically, in that the PILOT payments made under the EIPP payment schedule will be greater than what would otherwise be collected in the event the project is not undertaken.

Please be advised that representatives from the Agency will be present and discuss the proposed EIPP at a scheduled EIPP information session, to be conducted via Zoom Webinar, and to be held at 12:00 pm on January 9, 2022. As a taxing jurisdiction official, you are invited to attend the EIPP informational session. To register for this webinar, go to:

[https://us02web.zoom.us/webinar/register/WN\\_GsGV5iF7QsCBZAyyINp1jA](https://us02web.zoom.us/webinar/register/WN_GsGV5iF7QsCBZAyyINp1jA)

In addition, the Agency invites you to provide written comments, which will be reviewed at the Agency's meeting scheduled to be held at 12:00 p.m. on March 22, 2023 at 12:00 p.m. which the Agency contemplates taking action on the EIPP. I also welcome you to attend the Agency's meeting and provide verbal comments and questions.

All written comments can be directed to the Agency at 95 Perry Street, Suite 403, Buffalo, New York 14203. I also welcome and encourage you to contact me with any questions or for additional information regarding the proposed EIPP. I can be reached at [jcappell@ecidany.com](mailto:jcappell@ecidany.com) and at (716) 856-6525.

Very truly yours,



President & CEO





# Town of Lancaster

BUILDING DEPARTMENT  
21 CENTRAL AVENUE  
LANCASTER, NEW YORK 14086  
716-684-4171  
FAX 685-5317

12/19/2022

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086

**RE: Home Occupation Special Use Permit**  
**Gerald & Deborah Litwiller Commercial Catering Kitchen**  
**272 Erie St., Lancaster, NY 14086 SBL #93.14-1-29**

The application of a Home Occupation Special Use Permit for a Commercial Catering Kitchen at 272 Erie St., Lancaster, NY 14086 has been reviewed and found to be in conformance with Town Code, Ch. 400-16 F Home Occupations.

The property operates an existing nonconforming Use. A Single Family Residence in the LI (Light Industrial) District, utilizing a portion of an Accessory Structure for the Home Occupation.

Approval is appropriate with the following conditions.

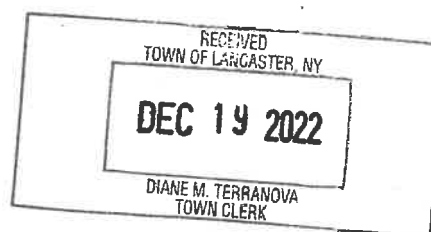
1. Only persons residing on the premises shall be engaged in such an occupation.
2. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation.
3. A copy of the entity Business Certificate/Erie County Health Dept. License is submitted to the Town Clerk's Office.

Sincerely,

Matt Fischione, Code Enforcement Officer/ZEO/CFM/SMO  
Lancaster Building & Zoning Department

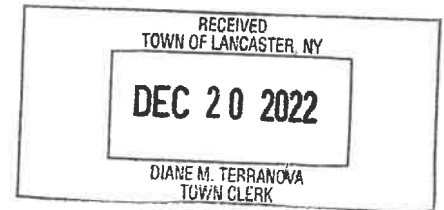
MF

CC: Thomas Fowler Jr., Town Attorney  
Diane Terranova, Town Clerk



December 20, 2022

Town of Lancaster Planning & Zoning Committee  
21 Central Avenue  
Lancaster, NY 14086



**RE: WORKS SESSION PRESENTATION REQUEST  
CONCEPT PLANS FOR PROPOSED EVENT FACILITY  
5309 GENESEE STREET**

Dear Committee Members:

We are representing the owners of 5309 Genesee Street, Jim Maass and Jacquelyn Maass-Bennett, who are in the preliminary stages of planning a proposed special events facility on their property. Following our pre-application meeting with Mr. Fischione and Mr. Schiller, our clients would like to request the opportunity for the entire committee to review and comment on the concept site and building plans that have been prepared.

We can be available to present these plans at the January 16, 2023 Committee work session meeting, or at the first available agenda opening. Please let us know at your earliest convenience.

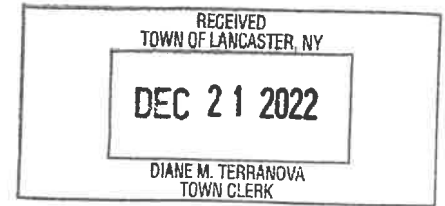
Sincerely,  
GREENMAN-PEDERSEN, INC

A handwritten signature in black ink, appearing to read "Robert J. Blood".

Robert J. Blood, RLA  
Project Manager

# Town of Lancaster

TOWN PLANNING BOARD  
21 Central Avenue  
Lancaster, New York 14086



December 7, 2022

Planning Board Members:

Neil Connelly, Chairman  
Rebecca Anderson  
John Copas  
Anthony Gorski  
Joseph Keefe  
Lawrence Korzeniewski  
Michael Reinhold

Town Board Members:

Ronald Ruffino, Sr., Supervisor  
Mark Burkard  
Adam Dickman  
Robert Leary  
David Mazur

Engineering Consultant:

Ed Schiller, Wm. Schutt & Associates

Town Attorney:

Thomas Fowler, Jr.

Town Highway Superintendent:

John Pilato

Building & Zoning Inspector:

Matthew Fischione

Gentlemen/Ladies:

Enclosed is a draft copy of the minutes of a meeting of the Planning Board of Lancaster which was held December 7, 2022. Please review it for errors and completeness. These minutes will not become final until approved at a subsequent Planning Board meeting and may be amended before approval.

Sincerely yours,

A handwritten signature in cursive script that reads "Neil R. Connelly".

Neil R. Connelly  
Planning Board Chairman

NRC:cm

Encl.

A meeting of the Planning Board of the Town of Lancaster, Erie County, New York was held at Town Hall, 21 Central Avenue, Lancaster, NY, on the 7<sup>th</sup> day of December 2022 at 7:00 P.M. and there were present:

**PRESENT:** Neil Connelly, Chairman  
Rebecca Anderson, Member  
John Copas, Member  
Anthony Gorski, Member  
Joseph Keefe, Member  
Lawrence Korzeniewski, Member  
Michael Reinhold, Member

EXCUSED: None

**ABSENT:** None

**ALSO PRESENT:** None

**Town Board Members: Councilman Dave Mazur**

**Other Elected Officials: None**

**Town Staff:** Thomas E. Fowler, Jr., Town Attorney  
Ed Schiller of Wm. Schutt & Assoc.  
Matt Fischione, Code Enforcement Officer  
Cynthia Maciejewski, Secretary

Meeting called to order by Chair Connelly at 7:00p.m.

Pledge of Allegiance led by Chair Connelly.

Roll Call of Planning Board Members

Chairman Connelly-Present

Joseph Keefe-Present

Rebecca Anderson-Present

Lawrence Korzeniewski-Present

John Copas-Present

Michael Reinhold-Present

Anthony Gorski-Present

Minutes-A motion was made by Lawrence Korzeniewski to approve the minutes from the November 16, 2022 Planning Board Meeting with a correction to the SWPPP for Tool Ranch. Motion seconded by Joseph Keefe.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Yes

**Motion carried.**

TOWN OF LANCASTER PLANNING BOARD  
COMMUNICATIONS FOR DECEMBER 7, 2022

- 12.07.01 Letter dated 11/22/22 from Matt Fischione, Code Enforcement Officer, with comments regarding 6026 Broadway, Edgewater East.
- 12.07.02 Letter dated 11/23/22 from Matt Fischione, Code Enforcement Officer, with comments regarding 6130 Broadway, Commercial Storage Building.
- 12.07.03 Letter dated 11/28/22 from Matt Fischione, Code Enforcement Officer, with comments regarding 611 Pavement Rd., 10 lot subdivision.
- 12.07.04 Letter dated 11/14/22 from Ed Schiller, Town Engineer, with comments regarding the Angry Buffalo Site Plan Amendment for 2757 Wehrle Dr.
- 12.07.05 Letter dated 11/28/22 from Matt Fischione to Gary Machniak regarding the need to submit a completed application form for the site plan amendment at 21 Pavement Rd.
- 12.07.06 Letter dated 11/30/22 from Ed Schiller, Town Engineer, with comments regarding 6130 Broadway.
- 12.07.07 Letter dated 11/30/22 from Ed Schiller, Town Engineer, with comments regarding 21 Pavement Rd.
- 12.07.08 Letter dated 11/16/22 from the Lancaster Police Department indicating no objection to the proposed project at 6026 Broadway, Edgewater East.
- 12.07.09 Letter dated 11/28/22 from William J. Karn, Jr., Chief of Police, Lancaster, noting issues with the proposed Pine Hill Estates at Pavement and Peppermint, such as excessive dust and noise generated by adjacent businesses, especially during the warmer months.
- 12.07.10 Copy of resolution adopted by Town Board on 11/21/22 approving the site plan at 5841 Genesee St. (Shop & Storage)
- 12.07.11 Copy of resolution adopted by Town Board on 11/21/22 approving the 2-lot subdivision at 10 Lancaster Parkway, with 2 conditions.
- 12.07.12 Copy of resolution adopted by Town Board on 11/21/22 approving the rezone of 5827 Broadway.

- 12.07.13 Notice of Public Hearings to be held 12/05/22 for a Special Use Permit for 10 Lancaster Parkway, and 2 amendments to the Town Code: Permit and Application Fees Revision, and Establishing a Local Government Code Enforcement Program.
- 12.07.14 Copy of resolution adopted by Town Board on 11/21/22 approving the Site Plan for 5827 Broadway, with 5 conditions.
- 12.07.15 Copy of resolution adopted by Town Board on 11/21/22 approving the amended site plan for 80 Rotech Dr., Classic Tube, with 2 conditions.
- 12.07.16 Memos dated 12/01/22 from Michelle Barbaro, Deputy Highway Superintendent, indication no issues with 6130 Broadway, 6026 Broadway, Fieldstream Subdivision, 21 Pavement Rd., and 611 Pavement Rd.
- 12.07.17 SEQR response dated 11/21/22 from the NYS DEC regarding the Tool Ranch, 3857 Walden Ave.
- 12.07.18 SEQR response dated 11/28/22 from ECWA regarding 5077 Transit Rd., Basil Car Storage.
- 12.07.19 SEQR response dated 11/23/22 from the ECWA regarding the Tool Ranch at 3857 Walden Ave.
- 12.07.20 Letter dated 11/30/22 from Ed Schiller, Town Engineer, with comments regarding 611 Pavement Rd.
- 12.07.21 Letter dated 12/02/22 from Ed Schiller, Town Engineer, with comments regarding 6026 Broadway, Edgewater East.

# **Planning Board Minutes**

## **SEQR Review**

**December 7, 2022**

The Planning Board held its meeting at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 7<sup>th</sup> day of December 2022 at 7:06p.m. and there were

PRESENT: REBECCA ANDERSON, PLANNING BOARD MEMBER  
JOHN COPAS, PLANNING BOARD MEMBER  
ANTHONY GORSKI, PLANNING BOARD MEMBER  
JOSEPH KEEFE, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
MICHAEL REINHOLD, PLANNING BOARD MEMBER  
NEIL CONNELLY, PLANNING BOARD CHAIRMAN

EXCUSED: NONE

ALSO PRESENT: DAVID MAZUR, COUNCILMEMBER  
THOMAS E. FOWLER, JR., TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
ED SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.  
CYNDI MACIEJEWSKI, SECRETARY

### **PURPOSE OF MEETING:**

IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) OF THE  
Local Law Amending the Town Code related to certain zoning approvals under §400 to clarify  
the time for an applicant to request an approval extension.

The Planning Board reviewed the Full Environmental Assessment Form on the local law  
and discussed the impact and magnitude as outlined on the Full Environmental Assessment  
Form entitled "Part 2 Identification of Potential Project Impacts" which was provided to each  
member.

**PLEASE TAKE NOTICE**, that the Planning Board of the Town of Lancaster, acting as an  
advisory committee to provide input to the Town Board, the designated lead agency under the  
State Environmental Quality Review Act (SEQRA), has reviewed the following described  
proposed action, which is an **Type 1 action**, and that committee recommends that there are no  
significant adverse environmental impacts relative to the criteria found in 6 NYCRR §617.d, and  
further recommends that the lead agency issue a **Negative Declaration** for the purposes of  
Article 8 of the Environmental Conservation Law in accordance with §617.12.



**NAME AND ADDRESS OF LEAD AGENCY**

Lancaster Town Board  
21 Central Avenue  
Lancaster, New York 14086  
Thomas E. Fowler, Jr., Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed local law amendment affects 0 acres of land.

The location of the premises being reviewed is the Town of Lancaster, New York 14086, Erie County.

This project described as a local law amendment affects 0.0 acre physically disturbed area.

**THE FOLLOWING MOTION TO OFFER A NEGATIVE DECLARATION WAS OFFERED  
BY CHAIR CONNELLY, WHO MOVED ITS ADOPTION, SECONDED BY MEMBER  
COPAS,  
TO WIT:**

**REASONS SUPPORTING RECOMMENDATION**

- 1. Impact on land – No impact.**
- 2. Impact on Geological Features – No impact**
- 3. Impacts on Surface Water – No impact.**
- 4. Impact on Groundwater – No impact**
- 5. Impact on Flooding – No impact**
- 6. Impact on Air – No impact**
- 7. Impact on Plants and Animals – No impact**
- 8. Impact on Agricultural Resources – No impact**
- 9. Impact on Aesthetic Resources – No impact**
- 10. Impact on Historic and Archeological Resources – No impact**
- 11. Impact on Open Space and Recreation – No impact**
- 12. Impact on Critical Environmental Areas – N/A**
  - The Town of Lancaster has not established a Critical Environmental Area (CEA).**
- 13. Impact on Transportation – No impact**
- 14. Impact on Energy – No impact**
- 15. Impact on Noise, Odor and Light – No impact**
- 16. Impact on Human Health – No impact**
- 17. Consistency with Community Plans – No impact.**

**18. Consistency with Community Character – No impact.**

and,

**BE IT FURTHER**

**RESOLVED**, that the Planning Board recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

|   |           |
|---|-----------|
| REBECCA ANDERSON, PLANNING BOARD MEMBER               | VOTED YES |
| JOHN COPAS, PLANNING BOARD MEMBER                     | VOTED YES |
| ANTHONY GORSKI, PLANNING BOARD MEMBER                 | VOTED YES |
| JOSEPH KEEFE, PLANNING BOARD MEMBER                   | VOTED YES |
| LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER          | VOTED YES |
| MICHAEL REINHOLD, PLANNING BOARD MEMBER               | VOTED YES |
| NEIL CONNELLY, PLANNING BOARD CHAIRMAN                | VOTED YES |
| <b>The Motion to recommend was thereupon adopted.</b> |           |

December 7, 2022

**Planning Board Minutes**  
**SEQR Review**  
**DECEMBER 7, 2022**

The Planning Board held its meeting at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 7<sup>th</sup> day of December 2022 at 7:07 pm and there were

**PRESENT:** REBECCA ANDERSON, PLANNING BOARD MEMBER  
JOHN COPAS, PLANNING BOARD MEMBER  
JOSEPH KEEFE, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
ANTHONY GORSKI, PLANNING BOARD MEMBER  
MICHAEL REINHOLD, PLANNING BOARD MEMBER  
NEIL CONNELLY, PLANNING BOARD CHAIRMAN

**EXCUSED:**

**ALSO PRESENT:** DAVID MAZUR, COUNCILMEMBER  
THOMAS E. FOWLER, JR., TOWN ATTORNEY  
MATTHEW FISCHIONE, CODE ENFORCEMENT OFFICER  
ED SCHILLER, ENGINEER, WM. SCHUTT & ASSOC.  
CYNTHIA MACIEJEWSKI, SECRETARY

**PURPOSE OF MEETING:**

IN THE MATTER OF THE STATE ENVIRONMENTAL QUALITY REVIEW (SEQR) OF THE Local Law Amending Subsection §400-38(H)4)(d) Approval of Minor Subdivision, Planning Board Recommendations, (5)(f) Approval of Preliminary Plat of Major Subdivision, (8) Filing of a Final Plat; and adding (9) Model Homes and (10) Building Permits to the Town Code of the Town of Lancaster

The Planning Board reviewed the Full Environmental Assessment Form as outlined in the Full Environmental Assessment Form entitled "Part 2 Identification of Potential Project Impacts" which was provided to each member.

**PLEASE TAKE NOTICE**, that the Planning Board of the Town of Lancaster, acting as an advisory committee to provide input to the Town Board, the designated lead agency under the State Environmental Quality Review Act (SEORA), has reviewed the following described proposed action, which is a Type 1 action, and that committee recommends that there are no significant adverse environmental impacts relative to the criteria found in 6 NYCRR §617.d, and further recommends that the lead agency issue a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with §617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Lancaster Town Board  
21 Central Avenue  
Lancaster, New York 14086  
Thomas E. Fowler, Jr., Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed local law amendment affects 0 acres of land.

The location of the premises being reviewed is the Town of Lancaster, New York 14086, Erie County.

This project described as a local law amendment affects 0.0 physically disturbed area.

**THE FOLLOWING MOTION TO OFFER A NEGATIVE DECLARATION WAS OFFERED  
BY CHAIR CONNELLY, WHO MOVED ITS ADOPTION, SECONDED BY MEMBER  
KEEFE,  
TO WIT:**

**REASONS SUPPORTING RECOMMENDATION**

1. Impact on land – No impact
2. Impact on Geological Features – No impact
3. Impacts on Surface Water – No impact
4. Impact on Groundwater – No impact
5. Impact on Flooding – No impact
6. Impact on Air – No impact
7. Impact on Plants and Animals – No impact
8. Impact on Agricultural Resources – No impact
9. Impact on Aesthetic Resources – No impact
10. Impact on Historic and Archeological Resources – No impact
11. Impact on Open Space and Recreation – No impact
12. Impact on Critical Environmental Areas – N/A
  - The Town of Lancaster has not established a Critical Environmental Area (CEA).
13. Impact on Transportation – No impact.

- 14. Impact on Energy – No impact**
- 15. Impact on Noise, Odor and Light – No impact**
- 16. Impact on Human Health – No impact**
- 17. Consistency with Community Plans – No impact**
- 18. Consistency with Community Character – No impact**

and,

**BE IT FURTHER**

**RESOLVED**, that the Planning Board recommendation be sent to the Town Board, for its review and consideration as the lead agency for the Action.

The question of the adoption of the foregoing Recommendation was duly put to a vote which resulted as follows:

|   |           |
|---|-----------|
| REBECCA ANDERSON, PLANNING BOARD MEMBER               | VOTED YES |
| JOHN COPAS, PLANNING BOARD MEMBER                     | VOTED YES |
| ANTHONY GORSKI, PLANNING BOARD MEMBER                 | VOTED YES |
| JOSEPH KEEFE, PLANNING BOARD MEMBER                   | VOTED YES |
| LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER          | VOTED YES |
| MICHAEL REINHOLD, PLANNING BOARD MEMBER               | VOTED YES |
| NEIL CONNELLY, PLANNING BOARD CHAIRMAN                | VOTED YES |
| <b>The Motion to recommend was thereupon adopted.</b> |           |

December 7, 2022

**SITE PLAN REVIEW – PROJECT #2117, EDGEWATER EAST, S.B.L. #116.00-2-11.1, LOCATED AT 6026 BROADWAY. CONSTRUCTION OF FIVE, 2-STORY, 10-UNIT APARTMENT BUILDINGS(50 UNITS TOTAL). CONSTRUCTION WILL ALSO INCLUDE A STORMWATER MANAGEMENT SYSTEM, UTILITY IMPROVEMENTS AND A TOTAL OF 111 PARKING SPACES INCLUDING 50 GARAGE SPACES.**

Peter Sorgi presented the site plan along with Jonathan Barniak of Carmina Wood Design. The 50 unit apartment complex will require three variances. The variances include density allowed at 47 units and 50 units are requested, front parking access setback and fence height from 3' to 4'. If three apartments were removed, two variances would no longer be necessary. This is potentially an unlisted action according to the presenter. The Town Board would assume the role of lead agency for the SEQR process. A half acre of woods are being removed and this is valuable lands filled with ash and poplar trees. The landscape plan submitted is not enough and the pines should be replaced with a native species and/or pollinator garden. The dog park is in need of waste collection and a maintenance plan. Matt Fischione, Code Enforcement Officer and Ed Schiller, Engineer have submitted comment letters that need to be addressed. SEQR is not ready for review and has not been coordinated. Pedestrian traffic along the state and county roads will need to be addressed.

**DETERMINATION**

A motion was made by Chair Connelly to table the project to a future Planning Board meeting.

Motion seconded by Rebecca Anderson.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Yes

**Motion carried.**

**REZONE & SITE PLAN REVIEW – PROJECT #2158, COMMERCIAL STORAGE BUILDING, S.B.L. #116.00-3-3.1, LOCATED AT 6130 BROADWAY. DEVELOPMENT WILL CONSIST OF APPROXIMATELY 6,000 SQ FT STORAGE BUILDING FOR MATERIAL STORAGE. ADDITIONAL SITE IMPROVEMENTS INCLUDE ASPHALT PAVEMENT, AN ON-SITE SEPTIC SYSTEM AND STORMWATER INFRASTRUCTURE.**

Michael Metzger of Metzger Civil Engineering PLLC and Mr. Carroll, owner reviewed the project that was last in front of the Planning Board on October 5, 2022. The full site plan has been submitted which matches the concept plan and includes the building elevations and floor plan. The frontage on Broadway is 271' wide and the building will be set approximately 400' from Broadway. Disturbance area will be tightened up to be less than one acre of land. A gate will be installed across the driveway for security and the location is not for retail use. Minimal truck deliveries will be made of supplies from the Genesee Street location. Storm Water Detention

and the septic system are shown on the plans and have not changed. Gas and electric lines will stay within the limits of disturbance. This is a single business use with an office on the second floor. There is a question on the review fee submitted and what acreage the fee is based on. The feeling of the Planning Board was that the fee should be based on the affected area.

**DETERMINATION**

A motion was made by Chair Connelly to table the project to a future Planning Board meeting.

Motion seconded by Anthony Gorski.

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Yes

**Motion carried.**

**PRELIMINARY PLAT PLAN REVIEW – PROJECT #1619, PINE HILL ESTATES, S.B.L. #94.00-3-10, LOCATED AT 611 PAVEMENT ROAD. THE PROPOSED DEVELOPMENT CONSISTS OF A SUBDIVISION OF APPROXIMATELY 75+/- ACRES OF LAND ADDRESSED INTO 10 LOTS FOR THE PURPOSE OF CREATING LARGER, LOW DENSITY SINGLE FAMILY RESIDENTIAL HOMES.**

Michael Metzger of Metzger Civil Engineering, PLLC along with Tim Burger, client presented the Preliminary Plat. On September 2, 2022, the Planning Board approved the Sketch plan. The subdivision needs a Phase 1 A Archaeological Study. This is due to the question of a cemetery and written records are being reviewed. The SEQR review is in process currently. This property was an active mine which has been closed and DEC has issued a reclamation letter which was submitted to the Town for review. The comment letters from Ed Schiller, Engineer and Matt Fischione, Code Enforcement Officer are being addressed by the applicant. A comment letter was received from Police Chief Karn regarding the dust and noise impact on the proposed homes by United Materials. Town codes and limitations of operation may need to be reviewed regarding the noise and dust generated at the United Materials site. The noise and dust are concerns for this subdivision along with the future resident complaints that are sure to happen even with the installation of a 6' berm in front of the homes. The set back of the homes will be determined by code and customer preference. The applicant was again asked to request the operating permit for United Materials.

**DETERMINATION**

A motion was made by Chair Connelly to table the project to a future Planning Board meeting.

Motion seconded by John Copas

Roll call as follows:

Chairman Connelly-Yes

Joseph Keefe-Yes

Rebecca Anderson-Yes

Lawrence Korzeniewski-Yes

John Copas-Yes

Michael Reinhold-Yes

Anthony Gorski-Yes

**Motion carried.**

**Other items discussed**

Training is available for members and Chair Connelly will ask that the members are credited for one hour of training from the Buffalo Niagara Waterkeeper presentation.

As his term comes to an end, this could be Chair Connelly's last meeting. He is proud of the accomplishments of the Board during his 15 year tenure. Development was kept under control during this time and he gave a partial list of projects that were denied or are at least temporarily halted. Some disappointments include not creating an Architectural Review Board, the Balducci property on Pavement Road, not being acquired and added to Westwood Park, and the Town's reluctance to adopt a program similar to Clarence's Greenprint. The need for a Town Planner is ongoing. The secretary situation for the Planning Board during a large part of 2022 was a debacle. Eastport still stands idle. Can the LIDA do something proactively for that site? Finally the Chairman of the Town Planning Board needs to have a town email address. Chair Connelly thanked the Town Board staff for their expertise and input that the Planning Board relies on to help make good decisions. He also thanked the members of the Planning Board, past and present, for their dedication in making informed choices that strive to strike a balance that will protect and enhance the quality of life of residents and yet be business friendly.

Motion made by Rebecca Anderson at 8:58p.m. and seconded by Michael Reinhold to adjourn the meeting. **Motion carried.**



DIANE M. TERRANOVA, TOWN CLERK  
TOWN OF LANCASTER  
21 CENTRAL AVE.  
LANCASTER, N.Y. 14086  
AREA CODE 1-716 683-9028

9

COPY

December 21, 2022

Matthew Fischione  
Code Enforcement Officer  
21 Central Avenue  
Lancaster, New York 14086

**Re: SPECIAL USE PERMIT -**  
Rachel's Mediterranean Grill


Dear Matt:

Enclosed is a copy of a letter from James A Boglioli requesting a renewal of the Special Use Permit for a Rachel's Mediterranean Grill to operate a patio with outdoor seating which will expire on March 14, 2023, 2022, on premises located at 4931 Transit Road, Building 4933, Suite 100.

Please inform the Town Board, the Town Attorney, and my office as to the applicant's compliance to all conditions stipulated in this permit so that a resolution to renew the Special Use Permit may be prepared for the next Town Board Meeting.

Sincerely yours,

OFFICE OF THE TOWN CLERK

  
Diane M. Terranova  
Town Clerk

DMT/dm

Encl.

cc: Tom Fowler, Town Attorney  
Town Board

COPY

COPY

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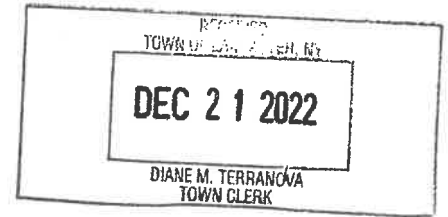


570 DELAWARE AVENUE  
BUFFALO, NEW YORK 14202  
716.886.0211.P :: 716.886.1026.F

December 21, 2022

**VIA E-MAIL AND REGULAR MAIL**

Ronald Ruffino, Sr., Town Supervisor and Members of the Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086



**Re: Rachel's Mediterranean Grill (BDP #3067)  
Special Use Permit Renewal Request  
4931 & 4933 Transit Road, Lancaster**

Dear Supervisor Ruffino and Members of The Town Board:

On March 15, 2021, the Town Board granted a Special Use Permit for the above-referenced project. Condition 1 of the Special Use Permit requires that a "Permit must be renewed every two (2) years at no additional cost to applicant." Rachel's has been open and operating consistent with the original approval and the project remains in compliance with all conditions of approval.

If attendance at a Town Board meeting is required in connection with this extension request, please let me know. Additionally, if there are any questions regarding this letter or the enclosed documentation, please feel free to contact me at (716) 878-9626 or jamesboglioli@benderson.com.

Thank you,  
**BENDERSON DEVELOPMENT COMPANY, LLC.**

*James A. Boglioli*

James A. Boglioli, Esq.  
Director, Right to Build – Northeast US

cc: Diane Terranova, Town Clerk

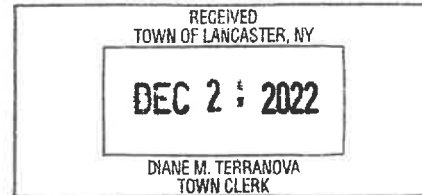
T.C. Comm.  
*(PD)*

10

Lancaster, NY 14086

December 16, 2022

Lancaster Town Board  
21 Central Avenue  
Lancaster, NY 14086



Dear Supervisor Ruffino and Members of the Lancaster Town Board,  
Thank you for the honor of serving as the Chairman of the Town of Lancaster Zoning Board of Appeals in 2022. It has been a busy year, with many more variance requests each month than in the past.

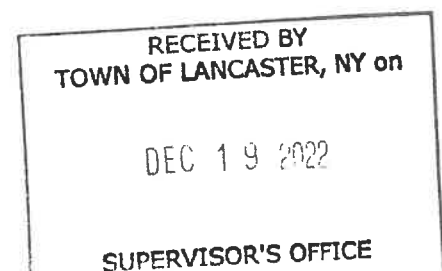
I have acclimated to the role of Chairman, and would very much like to continue in that capacity. As the senior member of the Board, I feel that my nine years of experience has been a benefit both to the ZBA and to our community.

I also would like to recommend that ZBA member John Mikoley be reappointed. John is second in seniority and has proven to be a valuable asset to our board. With four brand new members appointed within the past year, John's dedication and his knowledge of zoning matters definitely enhance the quality of our work.

Many thanks for your consideration. I wish all of you Happy Holidays, and a safe and healthy new year.

Respectfully submitted,

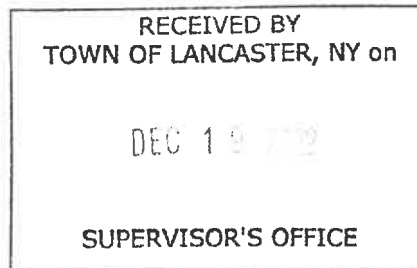
*Jill Monacelli*  
Jill Monacelli



T.C. Comm.

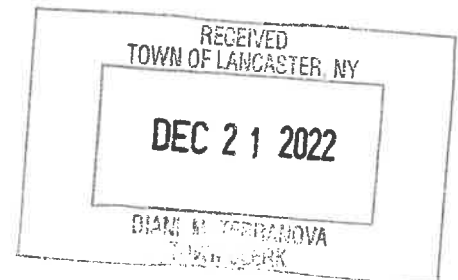
(RD)

11



December 12, 2022

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086



Dear Honorable Town Board:

Please be advised that I have elected to resign from the Town of Lancaster Parks, Recreation and Forestry Department effective January 9, 2023 as I have accepted a position with the Town of Lancaster Police Department.

It has been a pleasure working for the Town of Lancaster Parks, Recreation and Forestry Department in providing services to the residents within the Town.

Sincerely yours,

A handwritten signature in cursive script that reads "Connor O'Brien".

Connor O'Brien

Cc: Scott Pease, White Collar President  
Lisa Zajac, Supervisor's Office  
Pamela Cuiello, Director of Administration and Finance

Civil Engineering  
Environmental Engineering  
Municipal Engineering  
Land Surveying



Project Management  
Construction Support Services  
Landscape Architecture  
SWPPP Services

*T.C. Comm.*  
*T.A. Reso*  
*(RP)*

37 CENTRAL AVENUE, LANCASTER, NY 14086-2143

P: 716-683-5961 F: 716-683-0169

Email: [wsa@wmschutt.com](mailto:wsa@wmschutt.com)

## MEMO

Date: December 13, 2022

WSA Project # 06168G

TO: R. Ruffino, Sr.- Supervisor

FROM: E. Schiller, PE – Town Engineer

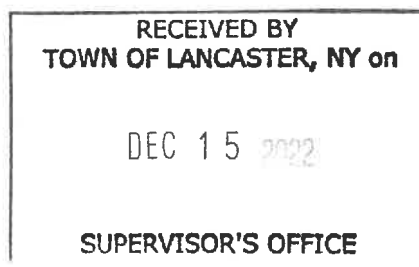
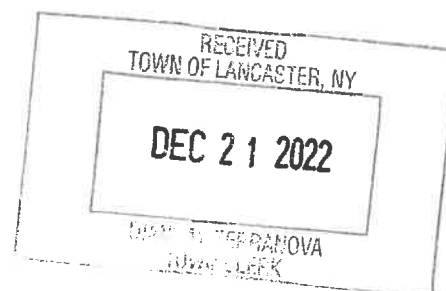
SUBJECT: PIP Inspection Services

We have received and reviewed the attached Proposal from Wendel to provide PIP Inspection services for 2023. We recommend a resolution be put forth for acceptance and signature.

Any questions, please let me know.

*Ed Schiller*

Cc Highway Superintendent  
Town Attorney





December 12, 2022

Ronald Ruffino, Sr.  
Town Supervisor  
21 Central Avenue  
Lancaster, New York 14086

SUBJECT: PIP INSPECTIONS  
TOWN OF LANCASTER, NEW YORK

Dear Supervisor Ruffino, Sr.:

As requested, Wendel WD Architecture, Engineering, Surveying & Landscape Architecture, P.C. (Wendel) is pleased to submit this proposal for Construction Administration and Resident Observation Services related to the Public Improvement Permit (PIP) Inspection program in the Town of Lancaster.

---

A. PROJECT UNDERSTANDING

---

We understand the Town of Lancaster has a need for Construction Administration and Resident Observation Services (CA/RO) related to your PIP Inspection program. Wendel would provide these PIP services on an as-needed basis for the Town of Lancaster. It's our understanding we would work at the direction of the Town of Lancaster Highway Department and in conjunction with the Town Engineer WM Schutt & Associates. Our contact person for this work would be Sheila Ransbottom.

It is our understanding the general process for each PIP will be –

- The Developer will submit the PIP application and drawing plan set to the Town Engineer for review and processing of the permit through the Town Board. Town Engineer will coordinate with the Developer and will provide Wendel with a copy of the plan set for review.
- Town Engineer will review Contractor's Bonds & Insurances, as required by the Town and coordinate with the Town of Lancaster Attorney for review and recommendation.
- Upon PIP application approval by the Town Board, the Town Engineer will notify Wendel of the project schedule and initial CA/RO budget.
- Upon issuance of the PIP permit, the Town Engineer will organize and schedule the pre-construction meeting. Wendel's involvement will start at the pre-construction meeting.
- Upon completion of PIP and completion of CA/RO services by Wendel, the Town Engineer will prepare the resolution for the Town Attorney's office for Town Board acceptance.

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## B. SCOPE OF SERVICES

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Wendel will perform the following tasks:

Construction Administration - these tasks would be performed on a per project basis for a lump sum fee

- 1) Review plan set against Town specifications and details
- 2) Attend pre-construction meeting
- 3) Coordinate submittal reviews with Engineer of Record and Town Engineer (Submittal reviews/approvals and submittal log will be the responsibility of the Engineer of Record)
- 4) Review Contractor schedule
- 5) Support construction coordination between the Town of Lancaster and Contractor
- 6) Review of Contractor's as-built drawings
- 7) Review of Contractor's Maintenance Bond or Guarantee
- 8) Review of prepared easement descriptions and maps as required for utilities (water, storm, sanitary sewer)
- 9) Complete a "Certificate of Completed Works" for the Erie County Department of Health
- 10) Issue to the Town Engineer a recommendation letter of Final Acceptance

Resident Observation Services — these tasks would be performed on a per project basis for a specified hourly rate

- 1) Take digital pre-construction photos for reference purposes where the proposed PIP project will continue from previous pavement, utilities, etc.
- 2) Review and observe on-site construction activities on a part-time or full-time basis depending on the specific project. The need for part-time or full-time observation will be discussed with Town Highway and Town Engineer and agreed upon prior to starting work.
- 3) Utilize Procore software to maintain daily logs of construction activities. Wendel to provide electronic copies of the daily logs to the Town Engineer and Town Highway on a weekly basis.
- 4) Observe and verify materials and supplies to be incorporated into the project by the Contractor.
- 5) Witness bacteriological and pressure tests related to placing waterlines into service in accordance with Erie County Water Authority (ECWA) requirements. Submit necessary testing forms for regulatory approval.
- 6) Witness proof roll, concrete materials testing, pavement placement necessary for road construction in accordance with Town of Lancaster Highway Standards.
- 7) Assistant in completion of "Certificate of Completed Works" for the Erie County Department of Health.
- 8) Monitor Contractor construction schedules
- 9) Coordinate and attend final walk-through with Town Highway, Town Engineer, Contractor, Developer and Engineer of Record
- 10) Develop Punch list from final walk-through and coordinate completion with Contractor
- 11) Provide Contractor and Engineer of Record with any field recorded details of underground water and sanitary features for incorporation into as-built drawings.
- 12) Forward hard copies and electronic copies of record drawings provided by the contractor's surveyor to the Town of Lancaster and interested agencies.

**Exclusions:**

- 1) Attendance at Town meetings is not included in Construction Administration services.
- 2) SWPPP inspections are not included (they are the responsibility of the Contractor to complete).
- 3) Private utility coordination is not included; it is the responsibility of the Contractor.
- 4) Materials testing (concrete cylinders, slump, etc) is not included, it is the responsibility of the Contractor.
- 5) The Contractor/Engineer of Record will be required to provide an as-built drawing of all utility work (storm, water, sanitary sewer) for review.
- 6) Observation/witness of infiltration testing, exfiltration testing, forcemain pressure testing, manhole testing, mandrel and lamping tests related to placing sanitary sewerlines into service is not included. Submission of necessary testing forms for regulatory approval is not included. Per the Town Engineer, Erie County Division of Sewage Management (ECDSM) will provide these services via a consultant.

**C. SCHEDULE:**

Schedules for this work would be dependent on individual projects assigned.

**D. PROPOSAL FEE:**

Wendel proposed to complete the above services for the fees as follows:

| <b><u>PROPOSAL FEE</u></b>                          |                |
|---|----------------|
| <b>Wendel</b>                                       |                |
| Construction Administration (Lump Sum) <sup>1</sup> | \$8,900.00     |
| Resident Observation Services (Hourly) <sup>2</sup> | \$120 per hour |

<sup>1</sup> Should significant changes in the scope of services for Construction Administration be required that result in additional effort, Wendel will bill the Town based on mutually agreed upon hourly rates for work actually performed (plus expenses).

<sup>2</sup> We understand the inspection fees will be as per Section 11-7 (Chapter 11 - Improvements, Public and Private of the Town code). The number of hours of Resident Observation services are dependent on the mutually agreed upon schedule for the contractors work and would be project specific per assignment.



---

**E. TERMS:**

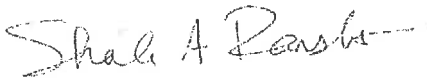
---

If this proposal and attached Professional Services Terms and Conditions are acceptable to the Town, please execute each of the two originals, keep one for your files, and return one to our office. Our receipt of the executed copy will constitute our authorization to proceed.

Wendel is pleased to offer this proposal and looks forward to working with the Town on this important project. If you have any questions or require additional information, please call.

Thank you for considering Wendel!

Respectfully Submitted,



Sheila Ransbottom, P.E.  
Senior Transportation Engineer



Gerald F. Summe  
Principal

Enc.

Should Wendel's proposal be accepted, Wendel WD Architecture, Engineering, Surveying & Landscape Architecture P.C., a New York State licensed architecture and engineering firm that is part of a consolidated group of Wendel Companies, will contract to undertake the work. Our letterhead and plans will still prominently say "Wendel" and we will refer to ourselves as Wendel throughout the project.

*The Town of Lancaster is to be listed as an additional insured on all Liability policies including General Liability, Automobile and any Umbrella/Excess coverage. Insurance should cover ongoing and completed operations and should be written on a Primary and Non-Contributory basis.*

**ACCEPTANCE / AUTHORIZATION:**

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

**RETURN TO:**

Wendel  
Attn: Sheila Ransbottom  
375 Essjay Road, Suite 200  
Williamsville, NY 14221

## Professional Services Terms and Conditions

**AGREEMENT.** It is mutually understood and agreed that the Client's acceptance of the agreement to which these terms and conditions are attached constitutes an incorporation of these terms and conditions which, together with any attached supporting documentation, embody and constitute the entire understanding between the parties with respect to the transaction contemplated hereby and constitute a binding legal agreement ("Agreement"). Each Party represents and warrants to the other that it has the requisite authority to accept, deliver and perform this Agreement. If Wendel is authorized by the Client to provide services set forth in this Agreement or a Change Order, either orally or in writing, prior to formal acceptance of either, such authorization shall be deemed an acceptance of this Agreement effective as of the date Wendel commences providing the services, and such services shall be provided and compensated for in accordance with the terms and conditions contained in this Agreement.

**STANDARD OF CARE/PERFORMANCE.** Wendel shall perform its services consistent with the professional skill and care ordinarily provided by design professionals practicing in the same or similar locality under the same or similar circumstances and shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the work. No warranty, guarantee or fiduciary relationship, either express or implied, is made or intended by this Agreement.

**OBLIGATIONS OF WENDEL.** Wendel will prepare the work and deliverables in a timely manner but it is agreed between the parties that Wendel cannot be responsible for delays occasioned by factors beyond its control, nor by factors which could not reasonably have been foreseen at the time this Agreement was entered into. Wendel commits to provide adequate and qualified resources to meet the schedule, and will work with Proposal Recipient's management in a manner that enables management to make informed decisions.

**OBLIGATIONS OF PROPOSAL RECIPIENT.** Client will work in a diligent and timely manner with Wendel to facilitate the contractual services required herein. To ensure a cooperative and successful effort, Client will commit to open disclosure of information required for the performance of services, will properly position Wendel with its staff, and will make available subject matter knowledgeable staff in a timely manner to address questions, unforeseen circumstances or other unexpected conditions that may arise.

**PAYMENT.** Progress payments shall be made in proportion to services performed and shall be due and payable within thirty (30) days of invoice submittal, without retainage. Overdue invoices shall bear an interest rate of 1-1/2% per month calculated from the 31st day after submittal. Wendel reserves the right to suspend services if payment of any undisputed invoice amounts are sixty (60) days overdue.

**CHANGE ORDERS.** During the term hereof the scope of services and compensation therefor may be adjusted by mutually agreed upon written Change Orders hereto.

**SUSPENSION AND TERMINATION BY WENDEL.** If the Client (i) fails to timely make payments due, or (ii) suspends the work for more than ninety (90) calendar days for reasons other than the fault of Wendel, or (iii) substantially fails to perform in accordance with the terms of this Agreement through no fault of Wendel, then Wendel may suspend services or terminate this Agreement upon seven (7) days advance written notice to Client, and Client shall pay all sums due for services performed prior to suspension or termination and any costs attributable to suspension or termination. Upon any resumption of services, Fees and time schedules shall be equitably adjusted. Wendel may terminate this Agreement for convenience upon not less than seven (7) days written advance notice and Client shall pay all sums due for services performed prior to termination.

**SUSPENSION AND TERMINATION BY CLIENT.** If the Client suspends the work, Wendel shall be compensated for services performed prior to notice of such suspension and Client will be liable for any expenses incurred in the interruption and resumption of services. Upon resumption of services, Fees and time schedules shall be equitably adjusted. If the Client terminates this Agreement for its convenience, the Client shall compensate Wendel for Wendel's services performed prior to termination, reimbursable expenses incurred, and costs attributable to termination, including the costs attributable to Wendel's termination of consultant agreements. Client may terminate this Agreement for default upon not less than seven (7) days' advance written notice should Wendel substantially fail to perform in accordance with the terms of this Agreement through no fault of the Client.

**HAZARDOUS MATERIALS.** To the fullest extent permitted by law, Client shall defend, indemnify and hold harmless Wendel, its affiliates, subconsultants and subcontractors, and their respective officers, directors, partners, employees, and agents from and against all claims, costs, losses, and damages (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals and all court or arbitration or other dispute resolution costs) caused by, arising out of, or relating to the presence, discharge, release, or escape of asbestos, PCBs, petroleum products, radioactive materials, or any other hazardous materials at, on, under, or from the work site.

**OWNERSHIP OF DOCUMENTS.** All the documents, reports, boring logs, field data, field notes, laboratory test data, calculations, estimates, drawings, specifications and other documents, data or information prepared by Wendel in any form, including machine readable format, (collectively "Documents") are instruments of Wendel's services and shall remain the sole property of Wendel. Wendel retains all ownership and all other rights, including copyrights, in all such documents.

**LIMITATIONS ON USE OF DOCUMENTS.** The Documents are prepared for use for the purpose and at the site identified in the Agreement or Change Order only and are not appropriate for use for any other purpose or site, except by the authorization and agreement in writing with the appropriate compensation to Wendel. Client agrees to release Wendel and its affiliates from any liability

associated with any unauthorized changes made to the Documents and their use thereof and further agrees to indemnify and hold harmless Wendel and its affiliates from any and all claims arising out of such changes or use.

**MACHINE READABLE MEDIA.** Where Wendel agrees to supply some or all of the Documents in machine readable format (hereinafter "machine readable media"), the parties understand and agree that any Documents supplied in such machine readable format are so supplied as a convenience to the recipient. Such Documents are not intended to replace the printed forms of such Documents. The content of the Documents supplied by Wendel in printed form shall govern over the contents of Documents supplied in machine readable format. The recipient shall be solely responsible for comparing the output of the machine readable media with the printed Documents designated by Wendel as the contract documents and determining the accuracy of such output. Recipient shall only use the output of machine readable media for the limited purpose agreed to by Wendel and shall not alter, mediate or change the contents of such machine readable media in any way, or transfer to others, without the express written approval of Wendel.

**CONFIDENTIALITY.** Wendel shall not disclose or permit the disclosure of any confidential information except to its employees of Wendel and its affiliates, and other consultants who need such confidential information in order to meet contractual obligations under this Agreement.

**PUBLICATION.** Wendel has the right to photograph the work and to use the photos in the promotion of its professional practice through advertising, public relations, brochure or other marketing materials. Client agrees that Wendel has the authority to utilize its name as a client and general description of the work or service performed as references. Wendel will be given proper credit and acknowledgements for all services rendered including, but not limited to, planning, design and implementation. Proper credit shall be defined as being named by the Client (or their agent/owner) in project identification boards, published articles, promotional brochures and similar communications.

**DISPUTE RESOLUTION.** In an effort to resolve any conflicts that arise during the design or construction of the work or following the completion of the work, the Client and Wendel agree that all disputes between them arising out of or relating to this Agreement shall be submitted to non-binding mediation unless the parties mutually agree otherwise. The parties further agree to include a similar mediation provision in all agreements with independent contractors they retained for the work and to require all independent contractors and consultants to include a similar mediation provision in all agreements with their respective subcontractors, subconsultants, suppliers or fabricators retained, thereby providing for mediation as the primary method for dispute resolution between the parties to those agreements. In the event resolution of any conflict cannot be settled as a result of non-binding mediation, it will be addressed in an appropriate court of proper jurisdiction.

**LIABILITIES.** THE CLIENT AND WENDEL HAVE DISCUSSED THEIR RISKS, REWARDS AND BENEFITS OF THE WORK TO BE PERFORMED, WENDEL'S TOTAL FEE FOR SERVICES AND HAVE ALLOCATED THE RISKS SUCH THAT, UNLESS STATED OTHERWISE ELSEWHERE IN THIS AGREEMENT, THE CLIENT AGREES THAT TO THE FULLEST EXTENT PERMITTED BY LAW, WENDEL'S TOTAL LIABILITY TO THE PROPOSAL RECIPIENT FOR ANY AND ALL INJURIES, CLAIMS, LOSSES, EXPENSES, DAMAGES, OR CLAIM EXPENSES ARISING OUT OF THIS AGREEMENT FROM ANY CAUSE OR CAUSES INCLUDING, BUT NOT LIMITED TO, WENDEL'S NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT OR BREACH OF WARRANTY SHALL NOT EXCEED THE TOTAL COMPENSATION RECEIVED BY WENDEL UNDER THIS AGREEMENT OR \$500,000.00 WHICHEVER IS LESS.

**INDEMNITY.** Each Party agrees to indemnify the other from liability for losses, damages, or expenses (including reasonable costs and attorney's fees) to the extent caused by the Party's negligent acts, errors, or omissions relating to this Agreement, subject to any limitations of liability set forth elsewhere herein.

**CONSEQUENTIAL DAMAGES.** NEITHER PARTY WILL BE RESPONSIBLE TO THE OTHER FOR ANY SPECIAL, INDIRECT, OR CONSEQUENTIAL DAMAGES.

**BUDGET/CONTINGENCY.** The Client agrees to establish a realistic budget for the cost of the work; the budget will include a contingency fund which will be used solely for the purpose of paying for contractor change orders, addressing omissions from the construction documents, and Client approved Change Orders for Wendel's services.

**OPINIONS OF CONSTRUCTION COST.** Any opinion of construction cost prepared by Wendel represents its judgement as a design professional and is supplied for the general guidance of the Client. Since Wendel has no control over the cost of labor and material, or over competitive bidding or market conditions, Wendel does not guarantee the accuracy of such opinions as compared to contractor bids or actual cost to the Client.

## CONSTRUCTION PHASE SERVICES

**SITE VISITS.** Wendel shall make visits to the site at intervals appropriate to the various phases of construction to observe the progress and quality of the construction work and to determine, in general, if the results of the construction work are in accordance with the drawings and the specifications. Wendel shall not be required to make exhaustive or continuous on-site observations to check the quality of the construction work. Wendel does not guarantee the performance of any contractors. On the basis of on-site observations as a design professional, Wendel shall keep the Client reasonably informed about the progress and quality of the portion of the work completed, and promptly report to the Client (1) known deviations from the contract documents, (2) known deviations from the most recent construction schedule submitted by the contractor, and (3) defects and deficiencies observed in the work.

**CONSTRUCTION MEANS AND METHODS.** Wendel is not responsible for construction means, methods, techniques, sequences or procedures, time of performance, programs or for any safety precautions in connection with the construction work. Wendel is not responsible for the contractor's failure to execute the work in accordance with the construction contract.

**SHOP DRAWING REVIEW.** If shop drawing review is included in the services, Wendel shall review shop drawings, samples, and other submissions of the contractor only for general conformance to design concept.

**FAST TRACK.** In the case of the Client requesting the fast-track and phased project delivery method in which design services overlap construction, and recognizing the inherent risks of fast tracking to the design professional, Wendel will not be responsible for any design changes, design omissions, coordination errors, delays, disruptions, damages, liabilities, additional costs or modifications to work already in place that may result from a decision to accelerate the design and construction process. As an additional service, Wendel will be compensated for all changes in services to modify, correct or adjust the construction documents and coordinate them with other disciplines in order to meet a project's scope, program cost or schedule requirements because of the Client's decision to design and build the project in a fast track manner.

#### **OTHER CLAUSES**

**FORCE MAJEURE.** Neither Party shall hold the other responsible for damages or delays in performance caused by acts of God, strikes, lockouts, accidents or other events beyond the control of the other or the other's employees and agents.

**PURCHASE ORDERS.** Client acknowledges and agrees that any purchase order issued by Client in accordance with this Agreement is intended only to establish payment authority for Client's internal accounting purposes. No purchase order shall be considered to be a counteroffer, amendment, modification, or other revision to the terms of this Agreement.

**WAIVER.** No waiver by either Party hereto or any failure or refusal by the other Party hereto to comply with its obligations hereunder shall be deemed a waiver of any other or subsequent failure or refusal by such Party to so comply.

**GOVERNING LAW.** This Agreement shall be governed by and construed in accordance with the laws of the state in which the work or Project is located, without regard to principles of conflict of laws.

**THIRD PARTY BENEFICIARIES.** This Agreement is made solely for the benefit of the Client and Wendel, their successors and assigns, and no other person shall have any right, benefit or interest under or because of this Agreement.



# Town of Lancaster

13

## *Office of The Town Attorney*

21 Central Avenue  
Lancaster, New York 14086  
P: (716) 684-3342  
F: (716) 681-7475

**THOMAS E. FOWLER, JR**

*Town Attorney*  
Tfowler@lancasterny.gov

**Leza E. Braun**

*Legal Assistant*  
Lbraun@lancasterny.gov

December 19, 2022

Honorable Town & Planning Board Members  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

RE: Fieldstream Subdivision #2020  
6061 Broadway  
Town of Lancaster, County of Erie

Honorable Town Board and Planning Board Members:

Enclosed please find SEQR responses dated November 17 and December 14, 2022, from the Erie County Division of Sewerage Management and the Department of Environment and Planning respectively, on the above-referenced project for your review.

Should you have any questions or concerns, please call me.

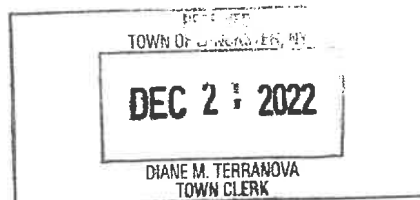
Very truly yours,

Thomas E. Fowler, Jr.  
Town Attorney

TEF:lb

Enc.

CC (w/enc): PB Liaison  
Town Clerk  
Building Inspector  
Town Engineer



**Ortiz (she/her/hers), Mariely**

---

**From:** Noonan, Benjamin  
**Sent:** Thursday, November 17, 2022 8:42 AM  
**To:** Ortiz (she/her/hers), Mariely  
**Cc:** Salah, Mutasem  
**Subject:** Fieldstream Subdivision - 6061 Broadway - SBL# 116.00-2-24.1

The Erie County Division of Sewerage Management (DSM) has reviewed the SEQRA submittal for Fieldstream Subdivision in Lancaster and has the following comments:

1. The proposed project is located within Erie County Sewer District No. 4. The sanitary sewers near the proposed project are owned by the Town of Lancaster. The sanitary flows are tributary to Erie County trunk and interceptor lines and ultimately the Bird Island Wastewater Treatment Facility.
2. Review and approval of any sanitary sewers installed is required by Erie County DSM.
3. A Downstream Sewer Capacity Analysis (DSCA) will be required for this project.
4. Sanitary sewer Inflow and Infiltration (I/I) removal work in ECSD No. 4 will be required for this project.
5. Sanitary sewer system design shall be in accordance with Ten States Standards and Erie County Sewer District Rules and Regulations and Design Requirements.

The design engineer is encouraged to discuss preliminary sanitary sewer plans with DSM in advance of completing sewer design. If you have any questions, feel free to contact me.

--

Benjamin Noonan | Assistant Civil Engineer  
Erie County | Div. of Sewerage Management  
95 Franklin St., | Buffalo, NY 14202  
P:+1(716)858-8456 | F:+1(716)858-6257  
[Benjamin.Noonan@erie.gov](mailto:Benjamin.Noonan@erie.gov) | <http://www.erie.gov>



# COUNTY OF ERIE

MARK C. POLONCARZ

COUNTY EXECUTIVE



December 14, 2022

Mr. Thomas E. Fowler, Jr.  
Town Attorney  
Town of Lancaster  
21 Central Ave.  
Lancaster, NY 14086

Re: **Revised Preliminary Plat Plan for Fieldstream Subdivision**  
Location: **6061 Broadway (fronting on William Street), Town of Lancaster**  
Review No.: SP-22-586 (also SP-21-746)

Dear Mr. Fowler,

Pursuant to New York General Municipal Law (GML) Section 239-m, the County of Erie (the "County") has reviewed the above-referenced project referred to the Department of Environment and Planning (DEP) on September 16, 2022. DEP offers the below comments based only on its review of the materials submitted. Pursuant to GML §239-m, should the Town receive any applications for site plan review, zoning variances, or special use permits related to this project, the Town must refer those plans and application materials to DEP for its review.

- According to the *Erie-Niagara Framework for Regional Growth*, the project site is located in a Developing Area. According to the Framework, actions in the Developing Area should: "support a balance of conservation and quality development, and encourage the conservation of agricultural and vacant lands."
- The Framework generally discourages extensions of water and sewer utility infrastructure into the Developing Area. When reviewing this proposal, the Town should consider whether the existing water infrastructure is capable of handling additional users. The Town should require that the applicant verify that capacity exists within the water system to accommodate increased water demand and sufficient water pressure in fire hydrants for the proposed project.
- The development proposed for this site appears to conflict with the recommendations of the *2018 Town of Lancaster, Village of Lancaster, and Village of Depew Joint Comprehensive Plan*. Specifically, the Vision Map (Map 14) shows this portion of the Town as being covered under a Resource Protection overlay and either partially within or immediately adjacent to an area shaded as Rural Protection. As Section 5.10 of the Plan details, the Resource Protection areas are identified as areas of environmental resources where protection is advised and development is discouraged, while the Rural Protection areas "should remain low density, and extension of new infrastructure (sewers, roads) is discouraged." The Town and developer may wish to consider a lower-density design for the non-wetland non-floodplain area of this parcel.

This review pertains to the above-referenced project submitted to Erie County DEP. This should not be considered sufficient for any County approvals. The applicant must still obtain any other permits and regulatory approvals applicable to this project.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mariely Ortiz', written in a cursive style.

Mariely Ortiz  
Senior Planner



**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.  
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at [www.Erie.gov/IRonline](http://www.Erie.gov/IRonline), OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No. SP-22-690

Postmark/Delivery Date: 11/15/22

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 1 - nn

A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

**Description of Proposed Action**

**1. Name of Municipality:** Town of Lancaster

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.

If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)

The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

|   |   |  |   |
|---|---|--|---|
| <b>2. Hearing Schedule:</b>   | <b>Date</b> _____   | <b>Time</b> <u>7:00 PM</u>                                       | <b>Location</b> <u>21 Central Avenue</u>  |
| <b>3. Action is before:</b>   | <input checked="" type="checkbox"/> Legislative Body  | <input type="checkbox"/> Board of Appeals                        | <input type="checkbox"/> Planning Board   |
| <b>4. Action consists of:</b>   | <input type="checkbox"/> New Ordinance  | <input type="checkbox"/> Rezone/Map Change                       | <input type="checkbox"/> Ordinance Amendment  |
|   | <input type="checkbox"/> Site Plan  | <input type="checkbox"/> Variance                                | <input type="checkbox"/> Special Use Permit   |
|   |   |  | <input checked="" type="checkbox"/> Other: <u>Subdivision</u>                                       |
| <b>5. Location of Property:</b>   | <input type="checkbox"/> Entire Municipality  | <input type="checkbox"/> Address: <u>Fieldstream Subdivision</u> |   |
| <b>5a. S.B.L. of Property:</b>  | <u>116.00-2-24.1</u>  | <u>6061 Broadway St.; N side of William Street</u>               |   |
| <b>6. Referral required as site is within 500' of:</b>  | <input type="checkbox"/> State or County Property/Institution   | <input type="checkbox"/> Municipal Boundary                      | <input type="checkbox"/> Farm Operation located in an Agricultural District                         |
|   | <input type="checkbox"/> Expressway   | <input checked="" type="checkbox"/> County Road                  | <input type="checkbox"/> State Highway  |
|   |   |  | <input type="checkbox"/> Proposed State or County Road, Property, Building/Institution, Drainageway |
| <b>7. Proposed change or use:</b><br>(specify the action, such as the scope of variances or site plans) | <u>Construction of 52 Single-Family homes with new public roadway to intersect with William Street and new utilities.</u> |  |   |
| <b>8. Other remarks:</b>  | _____   |  |   |
| <b>9. Submitted by:</b>   | <u>Town Attorney</u>  | <b>Email:</b>  | <u>lbrown@lancasterny.gov</u>   |
| <b>10. Return Address:</b>  | <u>21 Central Avenue, Lancaster, NY 14086</u>   |  |   |

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 11/16/22. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☒ Comment on proposed action is attached hereto.
3. ☐ The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. ☒ No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning: \_\_\_\_\_

Date: 12/14/22



# Town of Lancaster

14

## *Office of The Town Attorney*

21 Central Avenue  
Lancaster, New York 14086  
P: (716) 684-3342  
F: (716) 681-7475

**THOMAS E. FOWLER, JR**  
*Town Attorney*  
Tfowler@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*  
Lbraun@lancasterny.gov

December 19 2022

Honorable Town & Planning Board Members  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

RE: Tool Ranch Amendment #4523  
3857 Walden Avenue  
Town of Lancaster, County of Erie

Honorable Town Board and Planning Board Members:

Enclosed please find SEQR responses dated November 17 and December 14, 2022, from the Erie County Division of Sewerage Management and Environment and Planning on the above-referenced project for your review.

Should you have any questions or concerns, please call me.

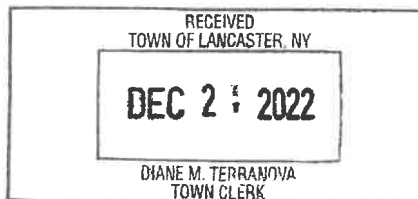
Very truly yours,

Thomas E. Fowler, Jr.  
Town Attorney

TEF:lb

Enc.

CC (w/enc): PB Liaison  
Town Clerk  
Building Inspector  
Town Engineer



**Ortiz (she/her/hers), Mariely**

---

**From:** Noonan, Benjamin  
**Sent:** Thursday, November 17, 2022 8:27 AM  
**To:** Ortiz (she/her/hers), Mariely  
**Cc:** Salah, Mutasem  
**Subject:** Tool Ranch Parking Lot - 3857 Walden Ave - SBL# 105.00-1-4.1

The proposed project is located within Erie County Sewer District No. 4, but if there is no new sewer connection, the Erie County Division of Sewerage Management (DSM) will not need to review and/or approve the project and will submit no further comments.

--

**Benjamin Noonan** | Assistant Civil Engineer  
Erie County | Div. of Sewerage Management  
95 Franklin St., | Buffalo, NY 14202  
P:+1(716)858-8456 | F:+1(716)858-6257  
[Benjamin.Noonan@erie.gov](mailto:Benjamin.Noonan@erie.gov) | <http://www.erie.gov>



# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE

December 14, 2022

Thomas E. Fowler, Jr., Esq.  
Town Attorney  
Town of Lancaster  
21 Central Avenue,  
Lancaster, NY 14086

**Re: Lead Agency Designation: new gravel parking lot on existing location**  
**Address: 3857 Walden Ave.**  
**SBL: 105.00-1-4.1**  
**Review No.: M617-22-689**

Dear Mr. Fowler:

Pursuant to Article 8 of the New York Environmental Conservation Law and 6 NYCRR Part 617, the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to us by the Town of Lancaster on November 15, 2022.

The County consents to the Town of Lancaster acting as SEQR Lead Agent.

This review pertains to the above-referenced action submitted to the Erie County Department of Environment and Planning. This letter should not be considered sufficient for any county approvals. The Town must still obtain any other permits and regulatory approvals applicable to this Project.

In the event that the Town has questions concerning this review please contact me at 716-858-1916 or [mariely.ortiz@erie.gov](mailto:mariely.ortiz@erie.gov).

Sincerely,

Mariely Ortiz  
Senior Planner



# Town of Lancaster

15

## *Office of The Town Attorney*

21 Central Avenue  
Lancaster, New York 14086  
P: (716) 684-3342  
F: (716) 681-7475

**THOMAS E. FOWLER, JR**

*Town Attorney*  
Tfowler@lancasterny.gov

**Leza E. Braun**

*Legal Assistant*  
Lbraun@lancasterny.gov

December 19, 2022

Honorable Town & Planning Board Members  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

RE: Rezone & Site Plan  
6218 Broadway (AR-LC)  
Town of Lancaster, County of Erie

Honorable Town Board and Planning Board Members:

Enclosed please find a SEQR response dated December 14, 2022, from the Erie County Department of Environment and Planning on the above-referenced project for your review.

Should you have any questions or concerns, please call me.

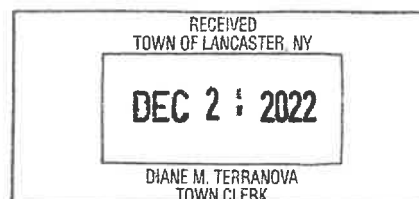
Very truly yours,

Thomas E. Fowler, Jr.  
Town Attorney

TEF:lb

Enc.

CC (w/enc): Town Clerk  
Building Inspector  
Town Engineer





# COUNTY OF ERIE

**MARK C. POLONCARZ**

COUNTY EXECUTIVE



December 14, 2022

Thomas E. Fowler, Jr., Esq.  
Town Attorney  
Town of Lancaster  
21 Central Avenue,  
Lancaster, NY 14086

**Re: Lead Agency Designation: partial (.85ac/1.115ac) rezone from AR to LC**  
**Address: 6218 Broadway St.**  
**SBL: 117.00-1-1**  
**Review No.: M617-22-687 (M617-22-454)**

Dear Mr. Fowler:

Pursuant to Article 8 of the New York Environmental Conservation Law and 6 NYCRR Part 617, the County of Erie (the "County") has reviewed the above-referenced project (the "Project") referred to us by the Town of Lancaster on November 15, 2022.

The County consents to the Town of Lancaster acting as SEQR Lead Agent.

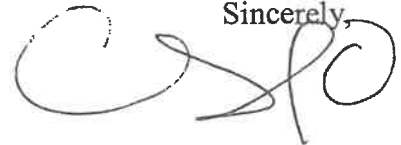
The County offers the following comments based upon its review of the Project:

- The proposed development is not consistent with the *Town of Lancaster, Village of Lancaster, and Village of Depew Joint Comprehensive Plan* (May 2018), especially the recommendations regarding "Protect and Enhance the Viability of Agriculture" and "Land Use and Zoning". Rezoning away from uses that allow for agriculture weakens the viability of farm and other agricultural operations and long-term development of such.
- The proposed commercial (office/warehouse) development is within the Lancaster Alden #16 Agricultural District, adjacent to farm operations, and within the Town's Rural Protection area. It is critical that, as the Town experiences greater development pressure, it enforce the goals and vision of the Comprehensive Plan and protects the natural and agricultural assets in the Town.

This review pertains to the above-referenced action submitted to the Erie County Department of Environment and Planning. This letter should not be considered sufficient for any county approvals. The Town must still obtain any other permits and regulatory approvals applicable to this Project.

In the event that the Town has questions concerning this review please contact me at 716-858-1916 or [mariely.ortiz@erie.gov](mailto:mariely.ortiz@erie.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Mariely Ortiz', written over the word 'Sincerely,'.

Mariely Ortiz  
Senior Planner

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.  
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at www.Erie.gov/IRonline, OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: M617-22-687

Postmark/Delivery Date: 11/15/22

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239 l - nn  
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

**Description of Proposed Action**

**1. Name of Municipality:** Town of Lancaster

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.

If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)

The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

**2. Hearing Schedule:** Date \_\_\_\_\_ Time 7:00 PM Location 21 Central Avenue

**3. Action is before:** ☒ Legislative Body ☐ Board of Appeals ☐ Planning Board

**4. Action consists of:** ☐ New Ordinance ☐ Rezone/Map Change ☐ Ordinance Amendment

☒ Site Plan ☐ Variance ☐ Special Use Permit ☒ Other: Lead Agency Req.

**5. Location of Property:** ☐ Entire Municipality ☐ Address: 6218 Broadway

**5a. S.B.L. of Property:** 117.00-1-1 Lancaster, NY 14086

**6. Referral required as site is within 500' of:** ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District

☐ Expressway ☒ County Road ☒ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

**7. Proposed change or use:** Construction of a commercial office and warehouse for storage of classic vehicles  
(specify the action, such as the scope of variances or site plans)

**8. Other remarks:** 2nd part of Rezone from AG to LC previously submitted

**9. Submitted by:** Town Attorney Email: lbrown@lancasterny.gov

**10. Return Address:** 21 Central Avenue, Lancaster, NY 14086

**Reply to Municipality by Erie County Division of Planning**

Receipt of the above-described proposed action is acknowledged on 11/16/22. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☒ Comment on proposed action is attached hereto.
3. ☐ The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. ☒ No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning: [Signature] Date: 12/15/22





# Town of Lancaster

16

## *Office of The Town Attorney*

21 Central Avenue  
Lancaster, New York 14086  
P: (716) 684-3342  
F: (716) 681-7475

**THOMAS E. FOWLER, JR**  
*Town Attorney*  
Tfowler@lancasterny.gov

**Leza E. Braun**  
*Legal Assistant*  
Lbraun@lancasterny.gov

December 19, 2022

Honorable Town & Planning Board Members  
Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086

RE: Basil Car Storage #2031  
5077 Transit Road  
Town of Lancaster, County of Erie

Honorable Town Board and Planning Board Members:

Enclosed please find SEQR responses dated November 17 and December 14, 2022, from the Erie County Division of Sewerage Management and the Department of Environment and Planning on the above-referenced project for your review.

Should you have any questions or concerns, please call me.

Very truly yours,

Thomas E. Fowler, Jr.  
Town Attorney

TEF:lb

Enc.

CC (w/enc): PB Liaison  
Town Clerk  
Building Inspector  
Town Engineer

**Ortiz (she/her/hers), Mariely**

---

**From:** Noonan, Benjamin  
**Sent:** Thursday, November 17, 2022 8:19 AM  
**To:** Ortiz (she/her/hers), Mariely  
**Cc:** Salah, Mutasem  
**Subject:** Basil Car Storage Bldg Addition - 5077 Transit - SBL# 115.09-1-27

The Erie County Division of Sewerage Management (DSM) has reviewed the SEQRA submittal for the Basil Car Storage Building Addition in Lancaster and has the following comments:

1. The proposed project is located within Erie County Sewer District No. 4. The sanitary sewers near the proposed project are owned by ECSD No. 4. The sanitary flows are tributary to Erie County trunk and interceptor lines and ultimately the Bird Island Wastewater Treatment Facility.
2. Review and approval of any sanitary sewers installed is required by Erie County DSM.
3. Sanitary sewer system design shall be in accordance with Ten States Standards and Erie County Sewer District Rules and Regulations and Design Requirements.

The design engineer is encouraged to discuss preliminary sanitary sewer plans with DSM in advance of completing sewer design. If you have any questions, feel free to contact me.

--

**Benjamin Noonan** | Assistant Civil Engineer  
Erie County | Div. of Sewerage Management  
95 Franklin St., | Buffalo, NY 14202  
P:+1(716)858-8456 | F:+1(716)858-6257  
[Benjamin.Noonan@erie.gov](mailto:Benjamin.Noonan@erie.gov) | <http://www.erie.gov>

**SITE PLAN OR ZONING REFERRAL TO COUNTY OF ERIE, N.Y.  
AND REPLY TO MUNICIPALITY**

Submit this form with full statement of proposed action (as described in GML 239-m(c)) at [www.Erie.gov/IRonline](http://www.Erie.gov/IRonline), OR mail a hard copy (retain a copy for your files) to: Erie County Division of Planning, 95 Franklin Street, Room 1053, Buffalo, N.Y., 14202

DO NOT WRITE IN THIS SPACE

Case No.: 4617-22-688

Postmark/Delivery Date: 11/16/22

The proposed action described herein is referred in accordance with the provisions of NYS General Municipal Law §239-1 - nn  
A Municipal Referral Map is available to help determine whether an applicable action is subject to referral.

**Description of Proposed Action**

**1. Name of Municipality:** Town of Lancaster

§239-m(4)(b) provides that the county shall have 30 days after receipt of a full statement of the proposed action to reply.

If the county fails to reply within such period, the referring body may take final action.

However, any county reply received after 30 days but 2 or more days prior to final action by the referring body shall be subject to §239-m(5)

The referring body shall file a report of its final action with the county within 30 days per §239-m(6).

**2. Hearing Schedule:** Date Time 7:00 PM Location 21 Central Avenue

**3. Action is before:** ☒ Legislative Body ☐ Board of Appeals ☐ Planning Board

**4. Action consists of:** ☐ New Ordinance ☐ Rezone/Map Change ☐ Ordinance Amendment

☒ Site Plan ☐ Variance ☐ Special Use Permit ☐ Other: \_\_\_\_\_

**5. Location of Property:** ☐ Entire Municipality ☐ Address: 5077 Transit Road

**5a. S.B.L. of Property:** 115.09-1-27 Lancaster, NY 14086

**6. Referral required as site is within 500' of:** ☐ State or County Property/Institution ☐ Municipal Boundary ☐ Farm Operation located in an Agricultural District

☐ Expressway ☒ County Road ☐ State Highway ☐ Proposed State or County Road, Property, Building/Institution, Drainageway

**7. Proposed change or use:** Construction of a 15,000 sq. ft. vehicle storage area with 15 parking spaces being included  
(specify the action, such as the scope of variances or site plans)

**8. Other remarks:** \_\_\_\_\_

**9. Submitted by:** Town Attorney Email: lbraun@lancasterny.gov

**10. Return Address:** 21 Central Avenue, Lancaster, NY 14086

Reply to Municipality by Erie County Division of Planning

Receipt of the above-described proposed action is acknowledged on 11/16/22. The Division herewith submits its review and reply under the provisions of applicable state and local law, based on the information submitted with this referral.

1. ☐ The proposed action is not subject to review under the law.
2. ☐ Comment on proposed action is attached hereto.
3. ☐ The proposed action is subject to review; Recommendation on Proposed Action is attached hereto.
4. ☒ No Recommendation; proposed action has been reviewed and determined to be of local concern.

By the Division of Planning:  Date: 12/14/22



# BOWMANVILLE VOLUNTEER FIRE ASSOCIATION

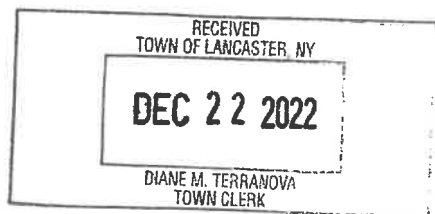
36 MAIN STREET • PO BOX 137 • BOWMANVILLE, NEW YORK 14026

December 15, 2023

Effective December 31, 2022, my term as Fire Chief will be complete. I have thoroughly enjoyed my time leading a fine group of firefighters. In addition, I have enjoyed working with many others, often becoming friends along the way. Thank you to the Department Chiefs, Officers, Firefighters, Government officials, business partners, and of course friends. I would like to thank all of you for your friendship and support over the years.

Effective January 1, 2023, Mike Neel will be moving up after serving as Assistant Chief for many years and will be taking over the role of Chief. I am confident that Mike along with his Assistants will do an outstanding job. I hope that you give them the same support that you have given me and Bowmansville over the years.

I plan to remain active and will be continuing many projects that are still ongoing. Please feel free to reach out to me if you need anything. I have included the new Chiefs information as well as mine. Thanks again for your Friendship over the years.



Sincerely,

Thomas J. Trzepacz  
716-864-8776  
[ttrzepacz@bvfa.com](mailto:ttrzepacz@bvfa.com)

Chief  
Mike Neel  
585-330-5787  
[mneel@bvfa.com](mailto:mneel@bvfa.com)  
[chief@bvfa.com](mailto:chief@bvfa.com)

First Assistant Chief  
Bran Koch  
716-390-5551  
[bkoch@bvfa.com](mailto:bkoch@bvfa.com)

Second Assistant Chief  
Eric Adolf  
716-341-4591  
[eric.adolf@bvfa.com](mailto:eric.adolf@bvfa.com)



# Town of Lancaster


*Office of The Town Attorney*

21 Central Avenue  
Lancaster, New York 14086  
(716) 684-3342  
Fax: (716) 681-7475

**Leza E. Braun**  
*Legal Assistant*  
lbraun@lancasterny.gov

## MEMO

**To:** Diane M. Terranova, Town Clerk

**From:** Leza Braun, Legal Assistant to Town Attorney 

**Date:** December 22, 2022

**Subject:** Rustkote LLC (formerly Raw Rutes) P.I.P. #846

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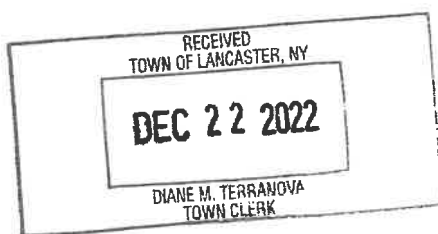
Dear Ms. Terranova:

Your office previously received an application for a Public/Private Improvement Permit for the above-referenced project from Ed Schiller, Consulting Town Engineer.

Please prepare a resolution issuing P.I.P for Pavement and Curb, Detention Basin, Storm Sewer, and Water Line for the next scheduled Town Board Meeting.

If there are any questions, please call.

Enc.



T.C. Comm.  
(Pd)

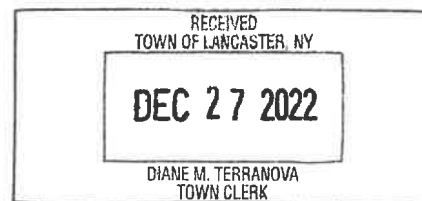
19

**JUSTICE COURT TOWN OF LANCASTER  
525 PAVEMENT ROAD  
LANCASTER, NEW YORK 14086**

Phone: (716) 683-1814 Fax: (716) 685-5313

*Anthony J. Cervi*  
Town Justice

December 20, 2022



Supervisor Ronald Ruffino  
Honorable Council Members  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086

Dear Supervisor Ruffino and Honorable Council Members:

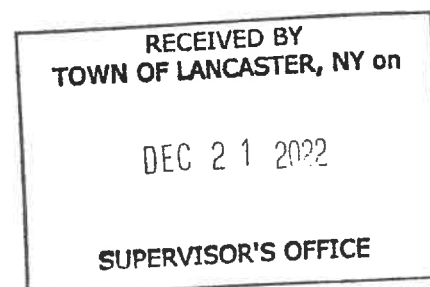
I respectfully submit the following individual for your consideration to be appointed to the position of Court Officer Part-Time in the Town Court. The position will replace a recently resigned Court Officer.

| <u>NAME</u>                                 | <u>POSITION</u>            | <u>PAY RATE/HR.</u> | <u>EFFECTIVE</u> |
|---|----------------------------|---------------------|------------------|
| Tiffany L. Schillo<br><hr/> Depew, NY 14043 | Court Officer<br>Part-Time | \$19.10             | January 3, 2023  |

Should you approve, I would like to request that a resolution be placed on the agenda for the Tuesday, January 3, 2023, Town Board meeting.

Sincerely,

  
Honorable Anthony J. Cervi





# Town of Lancaster

BUILDING DEPARTMENT  
21 CENTRAL AVENUE  
LANCASTER, NEW YORK 14086  
716-684-4171  
FAX 685-5317

2/27/2022

The Honorable Town Board  
Town of Lancaster  
21 Central Ave.  
Lancaster, NY 14086

**Re: Special Use Permit Renewal**  
**Rachels Mediterranean Outside Dining**  
**4931 Transit Rd., Bldg. 4933 Suite 100**

The 2022 Renewal request for the Special Use Permit has been reviewed per TC, Chapter 400-78 F to operate a Restaurant with Outside Dining as permitted in a GC Zoning district.

An open complaint for avoidable alarms and outstanding Fire Safety and Property Maintenance deficiencies may prevent an extension of the Use.

The Building and Zoning Dept. will require all deficiencies remedied prior to renewal of the Special Use Permit to include all original conditions.

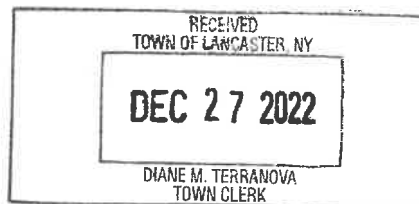
- The hours of operation be limited to open business hours or no later than 10 pm.
- No amplified sound transmitted to the outside dining area.
- The occupant submits copies of any business and/or Erie County Health Dept. licenses to the Town Clerk.
- Renewal of this permit at 2-year intervals with no cost to the applicant.

Sincerely,

Matt Fischione, Code Enforcement Officer/ZEO/CFM/SMO  
Town of Lancaster Building Department

MF

Cc: Thomas Fowler, Jr., Town Attorney



**SUPERVISOR**

Ronald Ruffino Sr.

**COUNCIL MEMBERS**

Adam Dickman

David Mazur

Robert Leary

Mark Burkard

T.C. Comm.  
T.A. Reso.

(P)

Town of Lancaster

PARKS, RECREATION &  
FORESTRY**Deputy Highway Superintendent**

Michelle Barbaro

525 Pavement Road

Lancaster, NY 14086

716-684-3320 phone

716-685-3497 fax

December 22, 2022

## COMMUNICATIONS

Honorable Town Board  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086

Dear Honorable Town Board:

I would appreciate your support in sponsoring a resolution to purchase two new and unused Cargo Pro 6K Utility Trailers. After receiving three quotes, these trailers will be purchased from WNY Accessory Shop DBA Master Motors of Buffalo, Inc. located at 6575 S. Transit Rd, Lockport, NY 14094. The price for these trailers is \$6,630.00 each for a total of \$13,260.00. The funds for this purchase will come from line item 01-7110-0230, Other Motorized Equipment.

Should you require any additional information, please do not hesitate to contact me.

Respectfully submitted,

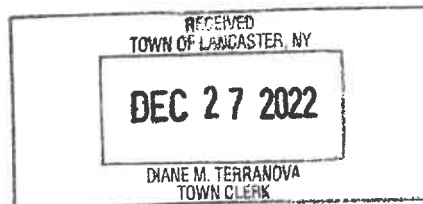
Michelle Barbaro

Deputy Highway Superintendent

MB;jw

Enc.

Cc: Ronald Ruffino, Supervisor  
Thomas Fowler, Jr., Town Attorney  
Pamela Cuvillo, Director of Administration of Finance  
Diane Terranova, Town Clerk







# **WNY ACCESSORY SHOP**

6563 S TRANSIT RD  
LOCKPORT, NY 14094

Phone # (716) 589-5020

WWW.WNYACCESSORYSHOP.COM

INFO@WNYACCESSORYSHOP.COM

| Date       | Quote # | Sales Rep |
|------------|---------|-----------|
| 12/13/2022 | 19995   | AB        |

## **Customer Info:**

TOWN OF LANCASTER PARKS DEPT  
525 PAVEMENT RD., LANCASTER, NY 14086  
CCICCARELLI@LANCASTERNY.GOV

| Item | Description  | Qty | Total     |
|------|--|-----|-----------|
| Misc | 6.5X16 CARGO PRO 6K UTILITY TRAILER (4YR WARRANTY) | 1   | 6,630.00T |
| Misc | 6.5X16 CARGO PRO 6K UTILITY TRAILER (4YR WARRANTY) | 1   | 6,630.00T |

*ALL Returns are subject to a 25% restocking fee*

*Special Orders are NOT subject to cancellation*

*Buyer authorizes AND has been made aware that modifications during installation of Lift Kits, Tires, Wheels and Off-Road Accessories can include but are not limited to: Rubbing on bumpers and other factory trim items*

*All Trailer, Tire & Wheel Sales are FINAL. NO Refunds / Exchanges will be allowed*

*All Tires, Wheels, Parts left past 60 days become property of WNY Accessory Shop*

|                         |             |
|-------------------------|-------------|
| <b>Subtotal</b>         | \$13,260.00 |
| <b>Sales Tax (0.0%)</b> | \$0.00      |
| <b>Total</b>            | \$13,260.00 |

# Buyers Order

**Bucks Motorsports**  
13090 Main Road Route 5  
Akron, NY 14001  
716-542-5855

## Salesperson Details

Name: David Willmore Email: dave@bucksmotorsports.com

## Buyer Information

Town of Lancaster  
Ciccarelli, Carmen  
525 Pavement Rd  
Lancaster, NY 14086

716-684-3320  
cciccarelli@lancasterny.gov

| N/U | Year | Make  | Model            | Stock #     | VIN |
|-----|------|-------|------------------|-------------|-----|
| New | 2023 | ALUMA | 7800 TANDEM AXLE | 7816ESA-TA- |     |
| New | 2023 | ALUMA | 7800 Tandam Axle | 7816ESA-TA- |     |

## Pricing Details

|                                |                    |
|--------------------------------|--------------------|
| <b>Manufacturer Base Price</b> | <b>\$15,974.00</b> |
| Freight & Dealer Prep          | \$998.00           |
| <b>Unit Subtotal</b>           | <b>\$16,972.00</b> |
| Document Fee                   | \$350.00           |
| Tire Tax                       | \$20.00            |
| <b>Net Selling Price</b>       | <b>\$17,342.00</b> |
| <b>Amount Financed</b>         | <b>\$17,342.00</b> |

Customer

Date

Dealer Representative

Date

North Tonawanda 7123375  
40 Connecting Blvd.  
N. Tonawanda, NY 14120



Tax ID 82-3288542

Hamburg 7128213  
4245 McKinley Pkwy  
Hamburg, NY 14075

**Trailer Sales of WNY, LLC**  
www.loetrailers.com  
Phone: 716-692-495

NAME: Town of Lancaster Parks  
ADDRESS: 525 Pavement Road  
Lancaster New York 14086

DATE: 12/22/2022  
CELL#: \_\_\_\_\_

**TRAILER INFORMATION:**

YEAR: 2 units 2023  
MAKE: Suretrac Alum Tube top  
MODEL: Utility  
SIZE: 7x16  
GVWR: \_\_\_\_\_  
COLOR: Alum  
VIN#: \_\_\_\_\_  
STOCK#: \_\_\_\_\_  
- \_\_\_\_\_  
- \_\_\_\_\_  
- \_\_\_\_\_  
- \_\_\_\_\_

**TRAILER TRADE INFORMATION:**

YEAR: \_\_\_\_\_  
MAKE: \_\_\_\_\_  
MODEL: \_\_\_\_\_  
SIZE: \_\_\_\_\_  
GVWR: \_\_\_\_\_  
COLOR: \_\_\_\_\_  
VIN#: \_\_\_\_\_  
APPROVED BY: \_\_\_\_\_  
- \_\_\_\_\_  
- \_\_\_\_\_  
- \_\_\_\_\_  
- \_\_\_\_\_

Trailer Sales Price: \$ 17844.00  
Trade Allowance: \$ \_\_\_\_\_  
Taxable Cash Difference: \$ \_\_\_\_\_  
Tax Rate \_\_\_\_\_ % \$ Exempt  
Documentation Fee: 350.00  
NYS Inspection: \_\_\_\_\_  
NYS Tire Tax: # of Tires \_\_\_\_\_ @\$2.50= \$ \_\_\_\_\_  
Total: \$ \$18,194.00

|                               |   |                                 |             |                   |                   |
|-------------------------------|---|---------------------------------|-------------|-------------------|-------------------|
| <input type="checkbox"/> Cash | <input checked="" type="checkbox"/> Check | <input type="checkbox"/> Credit | Date: _____ | Deposit: \$ _____ | Balance: \$ _____ |
| <input type="checkbox"/> Cash | <input checked="" type="checkbox"/> Check | <input type="checkbox"/> Credit | Date: _____ | Deposit: \$ _____ | Balance: \$ _____ |
| <input type="checkbox"/> Cash | <input checked="" type="checkbox"/> Check | <input type="checkbox"/> Credit | Date: _____ | Deposit: \$ _____ | Balance: \$ _____ |

No refund on deposits for all ordered trailers.  
LOE Trailer Sales of WNY, LLC is not liable for  
your tow limitations, vehicle specifications,  
towing legalities and vehicle ratings.  
Your vehicle must have proper wiring, hitch,  
ball size and ball mount before taking delivery.  
Before towing your trailer check tire air pressure,  
lug nut torque specifications and all safety related  
equipment. I assume all liability of my trailer and  
connected vehicles.

ALL ESTIMATED ORDER TIMES ARE  
SUBJECT TO CHANGE.

I have read and understand the above statements.

X \_\_\_\_\_

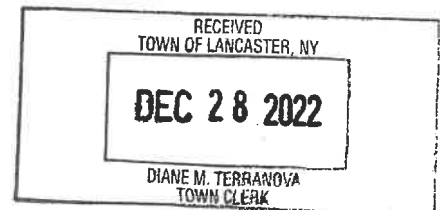
T.C. Comm.

22

# Youth Bureau

December 20, 2022

Mr. Ronald Ruffino  
Supervisor  
Town of Lancaster  
21 Central Ave.  
Lancaster, NY 14086



Dear Mr. Ruffino and Town Board Members:

The Youth Board is recommending the following youth for appointment to the Youth Board effective January 1, 2023 through December 31, 2023:

Chloe Finlayson

Lancaster High School Student

Lancaster, NY 14086

Kaylie Jackson

Lancaster High School Student

Lancaster, NY 14086

Elle Dehn

Depew High School Student

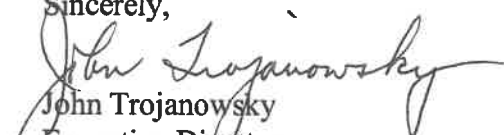
Depew, NY 14043

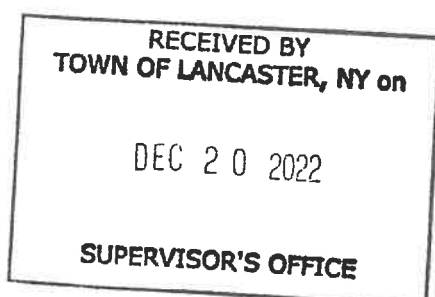
Gianna Marella

Depew High School Student

Depew, NY 14043

Sincerely,

  
John Trojanowsky  
Executive Director



JOHN TROJANOWSKY, EXECUTIVE DIRECTOR

200 Oxford Avenue • Lancaster, New York 14086 • 716-683-4444 • Fax: 716-683-4447

**SUPERVISOR**  
Ronald Ruffino Sr.

T.C. Comm.



**Deputy Highway Superintendent**  
Michelle Barbaro

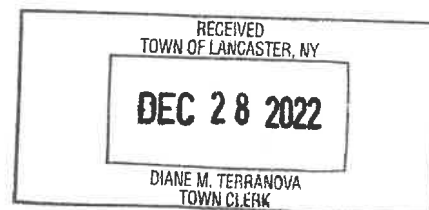
**COUNCIL MEMBERS**  
Adam Dickman  
David Mazur  
Robert Leary  
Mark Burkard

525 Pavement Road  
Lancaster, NY 14086  
716-684-3320 phone  
716-685-3497 fax

## COMMUNICATIONS

December 20, 2022

Honorable Town Board  
21 Central Avenue  
Lancaster, NY 14086



Re: Change of Title – Nick Bemish

Dear Honorable Board Members:

I would appreciate your support in sponsoring a resolution changing the job title for Nick Bemish from Caretaker to Laborer effective January 1, 2023 due to changes in his job duties that has been approved by Erie County. As per CSEA White Collar Unit #815, Mr. Bemish was hired on January 22, 2020 and would fall into the 24-month category of service from January 1, 2023 at 80% of the \$28.79 full rate making \$23.03 an hour. On January 22, 2023, Mr. Bemish would then fall into the 36-month step at 85% making \$24.47 until he reaches the final five-year step rate of \$28.79. I have attached the five-year step schedule for your review and also a list of his job duties..

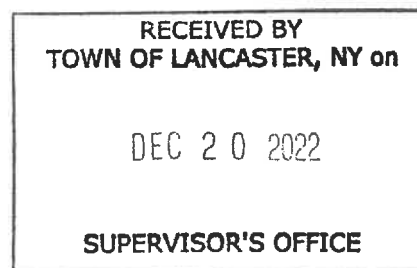
Should you have any questions or concerns regarding this matter please do not hesitate to contact me.

Sincerely yours,

*Michelle Barbaro*

Michelle Barbaro  
Deputy Highway Superintendent  
Town of Lancaster

Cc: Ronald Ruffino, Supervisor  
Diane Terranova, Town Clerk  
Scott Pease, White Collar President  
Thomas Fowler, Town Attorney  
William Karn, Police Chief





# **Twin District Fire Company**

**4999 William Street • P.O. Box 406**

**Lancaster, New York 14086**

**716-681-3118**

**Fax: 716-685-3628**

Diane Terranova  
Town Clerk  
Town of Lancaster  
21 Central Ave  
Lancaster, NY 14086

Dear Ms. Terranova,

As of our monthly meeting held December 12<sup>th</sup>, 2022, please add the following member to the rolls of the Twin District Fire Company:

Jason Ford

Lancaster, NY 14086

Thank you for your attention to this matter.

Sincerely,

Joshua Tomaszewski  
Corresponding Secretary  
Twin District Fire Company

